THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 15 NUMBER 221

Washington, Tuesday, November 14, 1950

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[File No. 21-418]

PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of November 14, 1950.

Statement by the Commission. Trade practice rules for the Bedding Manufacturing and Wholesale Distributing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Members of the industry are the persons, firms, corporations, and organizations engaged in manufacturing and selling in commerce mattresses (including baby crib mattresses), bed pads, bedsprings, box springs, metal cots, metal beds, studio couches, sofa beds, or similar sleeping equipment; also, all persons, firms, corporations, and organizations engaged in selling in commerce as wholesalers or jobbers any of the products or equipment mentioned. Sales at wholesale of such products and equipment are estimated to approximate $350,000,000 per annum.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of such competitive methods, and of providing guidance and assistance to business in the maintenance of free and fair competition.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in Chicago, Illinois, at which proposals for rules were submitted for the consideration of the Commission. Thereafter, a draft of proposed rules were made available by the Commission and public notice given whereby all interested or affected parties were afforded opportunity to present their views, suggestions, or objections at a public hearing held in Washington, D. C.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which suppresses competition, restrains trade, fixes or controls price through combination or agreement, or which otherwise injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

195.0 Definition; bedding products.

GROUP I

195.1 Deception as to used materials and parts.

195.2 Other deception through misrepresentation or concealment.

195.3 Misuse of the terms "felt," "felting," and "felted."

195.4 Misuse of the terms "latex," "foam rubber," "latex foam rubber," etc.

195.5 Misuse of terms "Rx," "posture," "posturized," "posturite," "custom built," "orthopedic," "germproof," and "waterproof."

195.6 Deceptive pricing.

195.7 Guarantees, warranties, etc.

195.8 Deception through failure to differentiate between wholesale and retail transactions.

195.9 Misuse of the word "free."

(Continued on next page)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Sec.

195.10 False invoicing.
195.11 Commercial bribery.
195.12 Defamation of competitors or disparagement of their products.
195.13 Use of lottery schemes.
195.14 Misrepresentation as to character of business.
195.15 Prohibited discrimination.
195.16 Discriminatory returns.
195.17 Combination or coercion to fix prices, suppress competition, or restrain trade.
195.18 Imitation or simulation of trademarks, trade names, etc.
195.19 Aiding or abetting use of unfair trade practices.

GROUP II

195.101 Products to be manufactured, repaired, renovated, and sold under sanitary conditions.

AUTHORITY: §§ 195.0 to 195.101 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply 38 Stat. 717, as amended, secs. 1, 2, 3, 38 Stat. 730, as amended, 731; 15 U. S. C. 41–45, 47–57, 15 U. S. C. 12, 13, 14.

§ 195.0 *Definition; bedding products.* As used in this part the term "bedding products" shall embrace mattresses of all kinds (including baby crib mattresses), bed pads, bedsprings, box springs, metal beds, metal cots, studio couches, sofa beds, and similar sleeping equipment.

GROUP I

General statement. The unfair trade practices embraced in §§ 195.1 to 195.19 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 195.1 *Deception as to used materials and parts.* (a) It is an unfair trade practice to manufacture for sale, sell, offer for sale, advertise, or otherwise represent, directly or indirectly, any bedding product as being new when such product is not in fact new and is not composed wholly of unused materials and parts.

(b) In the marketing of bedding products containing, in whole or in part, second-hand materials or parts, it is an unfair trade practice to fail or refuse to

make full and nondeceptive disclosure, by tag or label attached to the products and in all advertising and trade promotional literature, of the fact that such products are not new but consist, in whole or in part, of second-hand materials or parts, such failure or refusal to disclose having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(c) Nothing in this section shall be construed as permitting the sale or distribution of bedding products which contain any unsanitary material. [Rule 1]

§ 195.2 *Other deception through misrepresentation or concealment.* (a) It is an unfair trade practice for any industry member to sell, offer for sale, or distribute any mattress or other bedding product, or to promote the sale or distribution thereof, by any method, or under any circumstance or condition, which has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public as to the material content, composition, construction, manufacture, design, utility, durability, resilience, sag resistance, or health or therapeutic properties, of any mattress or other bedding product, or which is false, misleading, or deceptive in any other material respect.

(b) The provisions of this section shall apply to advertising representations, labeling, or selling promotions which are misleading or deceptive to the purchasing or consuming public by reason of the concealment or nondisclosure of a material fact, as well as to representations, advertisements, or sales promotional methods which are false, misleading, or deceptive for any other reason.

(c) The inhibitions of this section shall apply specifically to the deceptive concealment or nondisclosure of the kind or kinds of materials used in the filling and cover of mattresses or other bedding products.

(d) Nothing in this section shall be construed as relieving any member of the industry of the necessity of complying with other applicable provisions of laws or regulations relating to mattresses or other bedding products, including fiber content disclosure or identification. [Rule 2]

§ 195.3 *Misuse of the terms "felt," "felting," and "felted."* It is an unfair trade practice to use the term "felt," "felting," or "felted" as descriptive of the filling of a mattress or other bedding product unless such filling is a compact layer of fibers which have been specially processed and interlaced to form a mat of substantially uniform thickness suitable for use as a filling for a mattress or other bedding product: *Provided*, That when the filling is of other than cotton or wool fibers, the term shall be immediately accompanied by the fiber identification (as, for example, "felted kapok," "sisal felting," etc.) [Rule 3]

§ 195.4 *Misuse of the terms "latex," "foam rubber," "latex foam rubber," etc.* (a) It is an unfair trade practice to use the term "latex," "foam rubber," "latex foam rubber," or any term of similar import, as descriptive of a bedding product or of any filling thereof, under any circumstance or condition having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public.

(b) Under paragraph (a) of this section, the terms "latex," "foam rubber," "latex foam rubber," or other terms of similar import, shall not be used to describe a bedding product unless the filling material thereof is of latex which has been foamed and molded into one homogeneous pad: *Provided, however*, That when the filling of any bedding product is in part a homogeneous layer of latex which is of substantial thickness, such terms may be used as descriptive thereof if in conjunction therewith nondeceptive disclosure is made of the fact that only a part of such filling consists of latex: *And provided further*, That when the filling is composed, in whole or in part, of latex which has been shredded, flaked, or ground, full and nondeceptive disclosure is made of such fact, irrespective of whether the pieces or shreds are in loose form or are held together by glue or other adhesive agent. [Rule 4]

§ 195.5 *Misuse of terms "Rx," "posture," "posturized," "posturite," "custom built," "orthopedic," "germproof," and "waterproof."* In the sale, offering for sale, or distribution of bedding products, it is an unfair trade practice:

(a) To use the term "Rx," or any term of similar import, as descriptive of any bedding product which has not been specially designed and constructed to meet the requirements of a prescription by a member of the medical profession for the use of a particular individual;

(b) To use the term "posture," "posturized," or "posturite," or any term of similar import, as descriptive of any bedding product which has not been specially designed and constructed to afford correct posture during sleep, or which, although so designed and constructed for such purpose, is not in fact capable of affording correct posture during sleep, or which is not capable of preventing or correcting, or of contributing materially to the prevention or correction of, posture defects;

(c) To use the term "custom built," or any term of similar import, as descriptive of any bedding product which has not in fact been made in accordance with specifications furnished prior to manufacture by the individual purchaser and user of such product;

(d) To use the term "orthopedic," or any term of similar import, as descriptive of any bedding product unless such product has been specially designed and constructed so as to prevent, correct, or afford substantial relief with respect to a specific body deformity or deformities and accords with recommendations of orthopedic authorities respecting design and construction for such deformity or deformities: *Provided*, That the term shall in all cases be accompanied by specification of the kind or kinds of body deformities for which the product has been so designed and constructed;

(e) To use the term "germ proof," or any term of similar import, as descriptive of any bedding product, unless such product is, and will remain throughout its expected life, entirely free of germs: *Provided*, That nothing herein shall be construed as prohibiting a representation that a bedding product is sterile if the product at the time of consumer purchase is completely free of living germs and is packaged in such manner as to assure maintenance of its sterile condition until after delivery of the product to the ultimate consumer-purchaser: *And provided further*, That the representation is not supplemented or made in any manner which implies that the sterile condition will continue after removal of the product from its packaging and regardless of its use and exposure;

(f) To use the term "waterproof," or any term of similar import, as descriptive of any bedding product the outer covering of which is not such as to be impervious to the entry of water or moisture throughout the life of such bedding product; or

(g) To cause any bedding product to be represented, directly or by implication, as being a product which is used in any hospital or clinic or is recommended by members of the medical profession or by a medical organization when such is not the fact, or as having been designed or made so as to afford special health, orthopedic, or therapeutic values, when such is not the fact. [Rule 5]

§ 195.6 *Deceptive pricing.* (a) It is an unfair trade practice for any member of the industry to represent, in advertising or otherwise, that the price of any industry product has been reduced from what is in fact a fictitious price, or that such price is a reduced or a special price when it is in fact the regular selling price of such product, or that the regular price thereof is higher when such is not the fact, or otherwise to falsely or deceptively represent the past or current price of an industry product.

(b) It is an unfair trade practice for any member of the industry, directly or indirectly, to use or to supply to dealers, or to aid or assist in the use of, price tags, labels, or similar devices which are false or fictitious, or which such member has reason to believe are intended to be used or will be used by dealers or salesmen for the purpose of misleading or deceiving the purchasing or consuming public in regard to price, or in any other material respect.

(c) It is an unfair trade practice for any member of the industry to falsely represent that the price of any bedding product is a "wholesale price" or a "factory price." [Rule 6]

§ 195.7 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public, whether in respect to the quality, construction, serviceability, wearing quality, method of manufacture, or in any other respect.

(b) The foregoing inhibitions of this section are to be considered as applicable with respect to any guarantee or warranty in which the terms and conditions relating to the obligation of the guarantor or warrantor are deceptively min-

imized or stated, or in which the obligations of the guarantor or warrantor are impractical of fulfillment; and as also applicable to the use of any guarantee or warranty in respect of which the guarantor or warrantor fails or refuses to scrupulously observe his obligations thereunder.

(c) It is also an unfair trade practice to represent any bedding product as being "guaranteed" unless the nature and extent of the undertaking, and the identity of the guarantor, are conjunctively disclosed. [Rule 7]

§ 195.8 *Deception through failure to differentiate between wholesale and retail transactions.* Where bedding products are sold at wholesale and at retail in the same establishment of a member of the industry, the commingling of the two types of business in such a manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers is an unfair trade practice. [Rule 8]

§ 195.9 *Misuse of the word "free."* Use of the word "free," or words of similar import, when employed to describe any product which is not in truth and in fact a gift or gratuity, or which is not given to the recipient thereof without requiring the purchase of other merchandise, or requiring the performance of some service inuring, directly or indirectly, to the benefit of the industry member using such term, is an unfair trade practice. [Rule 9]

§ 195.10 *False invoicing.* Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 10]

§ 195.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase bedding products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 195.12 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 12]

§ 195.13 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or game of chance, is an unfair trade practice. [Rule 13]

§ 195.14 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry, in the course of or in connection with the distribution or sale of bedding products, to misrepresent the character, extent, or type of his business. [Rule 14]

§ 195.15 *Prohibited discrimination—* (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[1] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[1] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[1] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(g) *Purchases by U. S. Government; applicability of Robinson-Patman Antidiscrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (39 Opinions, Attorney General 539.) [Rule 15]

§ 195.16 *Discriminatory returns.* It is an unfair trade practice for any member of the industry engaged in commerce[1] to discriminate in favor of one

[1] As here used, the word "commerce" means trade or commerce among the several States and Territories, including the District of Columbia, in accordance with the full scope of the definition of such term found in section 1 of the Clayton Act (38 Stat. 739; 15 USCA, sec. 12).

customer-purchaser against another customer-purchaser of bedding products, bought from such member of the industry for resale, by contracting to furnish, or furnishing in connection therewith, upon terms not accorded to all competing customer-purchasers on proportionately equal terms, the service or facility whereby such favored purchaser is accorded the privilege of returning bedding products so purchased and receiving therefor credit or refund of purchase price: *Provided, however,* that nothing in this part shall be construed as prohibiting the return of merchandise by purchaser, for credit or refund of purchase price, when and because such merchandise has not been properly tagged, labeled, or marked by the seller in accordance with the requirements of this part, or has been otherwise falsely or deceptively tagged, labeled, or represented, or when and because such merchandise is defective in material, workmanship, or in any other respect is contrary to guarantee, warranty, or purchase contract. [Rule 16]

§ 195.17 *Combination or coercion to fix prices, suppress competition, or restrain trade.* It is an unfair trade practice for a member of the industry:

(a) To use, directly or indirectly, any form of threat, intimidation, or coercion against any member of the industry or other person to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade; or

(b) To enter into or take part in, directly or indirectly, any agreement, understanding, combination, conspiracy, or concerted action with one or more members of the industry, or with one or more persons, to unlawfully fix, maintain, or enhance prices, suppress competition, or restrain trade. [Rule 17]

§ 195.18 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 18]

§ 195.19 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules. [Rule 19]

GROUP II

General statement. Compliance with trade practice provisions embraced in § 195.101 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not per se constitute violation of law. Where, however, the practice of not complying with § 195.101 is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of violation of §§ 195.1 to 195.19.

§ 195.101 *Products to be manufactured, repaired, renovated, and sold under sanitary conditions.* The industry condemns the practice of manufacturing, repairing, renovating, or selling bedding products under unsanitary conditions. [Rule A]

A Committee on Trade Practices is hereby authorized to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper in the furtherance of fair competitive practices and in promoting the effectiveness of the rules.

Promulgated by the Federal Trade Commission November 14, 1950.

Issued: November 8, 1950.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-10120; Filed, Nov. 13, 1950; 8:51 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 303]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 299]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CALIFORNIA

Amendment 303 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 299 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are hereby amended in the following respect:

Schedule A, Item 40a, is amended to describe the counties in the Defense-Rental Area as follows:

Ventura County, except the City of Santa Paula.

This decontrols the City of Santa Paula, California, a portion of the Ventura, California, Defense-Rental Area, based on a resolution submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894).

This amendment shall be effective November 10, 1950.

Issued this 9th day of November 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-10155; Filed, Nov. 13, 1950; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.174 (a) is hereby amended so as to correct the description of the seaplane restricted area in the Gulf of Mexico at the Naval Air Station, Key West, Florida, and § 207.750 (m) is hereby added to govern the use of a restricted area in the vicinity of the Naval Station, Tacoma, Washington, as follows:

§ 207.174 *Gulf of Mexico, seaplane restricted area, Naval Air Station, Key West, Fla.*—(a) *The area.* An irregular area north of Key West Island, east of Fleming Key, and north and west of Dredgers Key, bounded as follows: Beginning at latitude 24°34'01", longitude 81°47'36"; thence due north to latitude 24°35'30"; thence to latitude 24°35'55", longitude 81°47'50"; thence to latitude 24°35'59", longitude 81°47'41"; thence due east to longitude 81°47'24"; thence to latitude 24°35'52", longitude 81°46'33"; thence to latitude 24°35'40", longitude 81°46'16"; thence to latitude 24°35'26", longitude 81°46'33"; thence due south to latitude 24°35'16"; thence due east to longitude 81°46'00"; thence due south to latitude 24°35'09"; thence due west to longitude 81°46'29"; thence to latitude 24°34'27", longitude 81°47'14"; thence to latitude 24°33'58", longitude 81°47'21"; and thence to the point of beginning. * * *

§ 207.750 *Puget Sound Area, Wash.* * * *

(m) *Tacoma Harbor, naval restricted area*—(1) *The area.* The waters surrounding the Naval Station, Tacoma, as follows: Hylebos Waterway and Port-Industrial Waterway (formerly known as Wapato Waterway) within 200 feet of the shore or of structures along the shore or within 100 feet of the outboard face of vessels moored thereto; and Commencement Bay northwesterly of the Naval Station within 1,000 feet of Naval Station buildings and piers or of vessels moored thereto.

(2) *The regulations.* (i) No fishing vessel or pleasure craft shall enter or remain in the restricted area.

(ii) The regulations in this paragraph shall be enforced by the Commandant, Thirteenth Naval District, or his authorized representative.

[Regs. Oct. 21, 1950, 800.2121-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-10153; Filed, Nov. 13, 1950; 8:46 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

Subchapter A—Archives and Records Management

AVAILABILITY OF OFFICIAL RECORDS

1. Consonant with section 3 (c) of the Administrative Procedure Act (50 Stat. 238; 5 U. S. C. 1002 (c)) the rules prescribed herein govern the availability to the public of matters of official record within the General Services Administration. The Administrator of General Services has custody of: (1) Official records created by the General Services Administration, (2) records deposited with the National Archives of the United States, (3) historical material in the Franklin D. Roosevelt Library, and (4) records deposited in regional Federal records centers. These four types of material are governed respectively by the provisions of Parts 1, 2, 3, and 4 of Title 44, Code of Federal Regulations, hereby prescribed.

2. The rules issued by the War Assets Administrator as to the disclosure of official records, July 23, 1948 (13 F. R. 4389, 4391), are hereby revoked.

3. The rule issued by the Director, Bureau of Federal Supply, as to the disclosure of official records, May 27, 1949 (14 F. R. 2812), is hereby revoked.

4. The rules issued by the Archivist of the United States governing the use of records, archives, and historical materials in the custody of the Archivist, December 10, 1948, as redesignated and amended (13 F. R. 7743, 15 F. R. 1346, 1913; 44 CFR Parts 1, 2, and 5) are hereby superseded.

PART 1—AVAILABILITY OF RECORDS CREATED BY GENERAL SERVICES ADMINISTRATION

Sec.
1.0 Scope.
1.1 Legal custody.
1.2 Records not to be disclosed.
1.3 Requests.
1.4 Authentication and attestation of copies; costs.
1.5 Service of subpoena or other legal demand; compliance.

AUTHORITY: §§ 1.0 to 1.5 issued under sec. 205, 63 Stat. 389; 41 U. S. C. Sup., 235.

§ 1.0 *Scope.* The provisions of this part apply to official records created by the General Services Administration.

§ 1.1 *Legal custody.* The Administrator has legal custody of all official records created by the General Services Administration.

§ 1.2 *Records not to be disclosed.* The following records will not be disclosed:

(a) Records relating solely to internal management.

(b) Records that are confidential by law, or for reasons of national security, or otherwise in the public interest.

§ 1.3 *Requests.* (a) Requests for access to official records of the General Services Administration shall be addressed in writing to the Administrator, General Services Administration, Washington 25, D. C. Such requests shall (1) set forth the reasons why the applicant is properly and directly concerned, and (2) identify, exactly as may be, the particular documents desired.

(b) Each application will be judged on its specific merits, the nature of the applicant's concern, the records sought, and the public interest. A brief statement of reasons will be furnished if an application directly related to an agency proceeding cannot be granted.

§ 1.4 *Authentication and attestation of copies; costs.* The Assistant General Counsel, Claims and Litigation Division, Office of General Counsel, and the Administrative Officer, Office of General Counsel, as alternate, are authorized to authenticate and attest, for and in the name of the Administrator of General Services, copies or reproductions of official records. Such copies or reproductions will be furnished in appropriate cases upon payment of costs.

§ 1.5 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of matters of official record within the General Services Administration is served upon the Administrator notwithstanding the provisions of this part for making available upon request records and authenticated copies of records, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records, or the original records if necessary, unless he determines that disclosure of the information is contrary to law or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

PART 2—PRESERVATION AND USE OF RECORDS DEPOSITED WITH THE NATIONAL ARCHIVES OF THE UNITED STATES

Sec.
2.0 Scope.
2.1 Legal custody.
2.2 Availability of records; restrictions.

ADMISSION TO SEARCH ROOMS

2.3 Application for admission.
2.4 Admission card.
2.5 Application, motion pictures and sound recordings.
2.6 Withdrawal of admission privilege.
2.7 Hours of admission.

SEARCH ROOM RULES

2.8 Register of searchers.
2.9 Requests.
2.10 Searcher's responsibility.
2.11 Protection of records.
2.12 Keeping records in order.
2.13 Limitation on quantity.
2.14 Removal prohibited.
2.15 Disturbances.
2.16 Smoking and eating prohibited.

PHOTO-COPYING

2.17 Photo-copying by the National Archives.
2.18 Photo-copying by a searcher.

UNLAWFUL REMOVAL OR MUTILATION

2.19 Penalty for unlawful removal or mutilation.

AUTHENTICATION AND ATTESTATION

2.20 Authentication and attestation of copies; costs.

LEGAL DEMANDS

2.21 Service of subpoena or other legal demand; compliance.

AUTHORITY: §§ 2.0 to 2.21 issued under sec. 205, 63 Stat. 389; 41 U. S. C. Sup., 235. Interpret or apply secs. 507, 509, Pub. Law 754, 81st Cong.

§ 2.0 *Scope.* The provisions of this part apply to records deposited with the National Archives of the United States.

§ 2.1 *Legal custody.* The Administrator has legal custody of all records deposited with the National Archives of the United States.

§ 2.2 *Availability of records; restrictions.* (a) Records will be made available subject to the conditions under which they have been transferred to the National Archives and subject to such restrictions as may be imposed by the Archivist.

(b) Records that contain information the disclosure of which would be prejudicial to the national interest or security of the United States or contrary to standards of propriety (save in cases where the public interest nevertheless requires disclosure) will not be made available.

ADMISSION TO SEARCH ROOMS

§ 2.3 *Application for admission.* Records deposited with the National Archives of the United States may be consulted only in the search rooms designated for this purpose, which in the National Archives Building includes the central search rooms, the branch search rooms, and the theater. Admission to the search rooms may be obtained only by making application to the Archivist of the United States on a form provided for that purpose and stating clearly therein the purpose for which records are to be consulted. Such applications must be made at the office of the Chief of the General Reference Section, except that applications to view motion pictures or hear sound recordings must be made at the office of the Chief Archivist of the Audio-Visual Records Branch. An applicant may be required to submit an acceptable letter of introduction or otherwise to identify himself.

§ 2.4 *Admission card.* If the application is approved, a card of admission will be issued. This card is not transferable and must be produced when required. It is valid for a period not in excess of one year and may be renewed upon application. The possession of this card does not entitle a searcher to examine any records the use of which is restricted.

§ 2.5 *Application, motion pictures and sound recordings.* Applications for

admission for the purpose of viewing motion pictures or hearing sound recordings should be made sufficiently in advance of the time such service is desired to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman who, in making application for admission, must give the identity of the group he represents. On receipt and approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified thereof.

§ 2.6 *Withdrawal of admission privilege.* The privilege of admission to the search rooms may be withdrawn by the Archivist of the United States for the violation of the provisions of this part, or for disregarding the authority of the supervisor in charge.

§ 2.7 *Hours of admission.* Records and library books will be available for consultation in the central and branch search rooms from 8:45 a. m. to 5:15 p. m. Monday through Friday, Federal holidays excepted. In addition the central search rooms will remain open from 5:15 p. m. to 10:00 p. m. on Mondays through Fridays, and from 8:45 a. m. to 5:15 p. m. on Saturdays, Federal holidays excepted, *Provided*, That requests for records and library books are filed with the supervisor in charge of the central search rooms before 4:00 p. m. on the day on which they are to be used or before 3:00 p. m. on Friday, if they are to be used on Saturday. Under special circumstances, by direction of the Archivist of the United States, the search rooms may be closed during any of the hours specified in this section or may be opened at other times. The theater is opened only by special appointment.

SEARCH ROOM RULES

§ 2.8 *Register of searchers.* Each day that a searcher uses records in a search room he must sign the register of searchers maintained in that search room.

§ 2.9 *Requests.* Requests for records should be made to the supervisor in charge of the search room on a form provided for that purpose.

§ 2.10 *Searcher's responsibility.* When a searcher has completed his use of records, or leaves the search room other than for short periods of time, he must notify the supervisor. A searcher is responsible for all records delivered to him until they have been returned by him to the supervisor.

§ 2.11 *Protection of records.* A searcher is required to exercise all possible care to prevent damage to any records delivered to him. Except when a supervisor authorizes the use of a fountain pen, the use of ink at desks upon which there are records is prohibited. Records may not be leaned upon, written upon, folded anew, traced, or handled in any way likely to damage them. The use of paper clips, rubber bands, or other fasteners not on records when delivered to a searcher is prohibited. The use of records of exceptional value or in fragile condition is subject to such special restrictions as the supervisor may deem necessary.

§ 2.12 *Keeping records in order.* The searcher must keep unbound papers in the order in which they are delivered to him. If records are found to be in disorder, the searcher must not attempt to restore them to order, but should call this condition to the attention of the supervisor.

§ 2.13 *Limitation on quantity.* The supervisor in charge of a search room may limit the quantity of records delivered to a searcher at any one time.

§ 2.14 *Removal prohibited.* No records or other property of the National Archives and Records Service may be taken from the search rooms except by members of the staff of the National Archives and Records Service acting in their official capacities.

§ 2.15 *Disturbances.* Loud talking and other activities likely to disturb searchers are prohibited. Persons desiring to use typewriters or to carry on proofreading or similar work may be assigned desks in a room designated for such purposes.

§ 2.16 *Smoking and eating prohibited.* Smoking and eating in the search rooms are prohibited.

PHOTO-COPYING

§ 2.17 *Photo-copying by the National Archives.* Requests for photographic copies of records to be made by the National Archives and requests for certification or authentication of such copies should be made to the search room supervisor.

§ 2.18 *Photo-copying by a searcher.* Records may be copied by a searcher with his own photographic equipment only by permission of the head of the branch having physical custody of the records.

UNLAWFUL REMOVAL OR MUTILATION

§ 2.19 *Penalty for unlawful removal or mutilation.* The unlawful removal or mutilation of records is forbidden and is punishable by fine or imprisonment or both (62 Stat. 695; 18 U. S. C. Sup., 2071).

AUTHENTICATION AND ATTESTATION

§ 2.20 *Authentication and attestation of copies; costs.* The Director of the Federal Register Division, the Chief Archivist of any Records Branch, or the Chief of the General Reference Section of the National Archives are authorized to authenticate and attest, for and in the name of the Archivist of the United States, copies or reproductions of records deposited with the National Archives of the United States. Such copies or reproductions of records will be furnished in appropriate cases upon payment of costs.

LEGAL DEMANDS

§ 2.21 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of records and material deposited with the National Archives of the United States is served upon the Administrator notwithstanding the provisions of this part for making available upon request records and authenticated copies of records, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records or material, or the original records or material if necessary, unless he determines that disclosure of the information is contrary to law or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

PART 3—PRESERVATION AND USE OF HISTORICAL MATERIAL IN THE FRANKLIN D. ROOSEVELT LIBRARY

Sec.

AUTHORITY: §§ 3.0 to 3.21 issued under sec. 205, 63 Stat. 389; 41 U. S. C. Sup. 235. Interpret or apply sec. 207, 53 Stat. 1065.

§ 3.0 *Scope.* The provisions of this part apply to historical material in the Franklin D. Roosevelt Library.

§ 3.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "act" means the Joint Resolution of Congress, approved July 18, 1939, "to provide for the establishment and maintenance of the Franklin D. Roosevelt Library, and for other purposes" as amended by sec. 104 of the Federal Property and Administrative

Services Act (53 Stat. 1062, as amended by 63 Stat. 381; 41 U. S. C. Sup. 214).

(b) The term "Library" means the Franklin D. Roosevelt Library, Hyde Park, New York.

(c) The term "building" means the building occupied by the Library at Hyde Park, New York.

(d) The term "Administrator" means the Administrator of General Services.

(e) The term "Archivist" means the Archivist of the United States.

(f) The term "Director" means the Director of the Franklin D. Roosevelt Library.

(g) The term "historical material" includes books, correspondence, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, and other similar material.

§ 3.2 *Legal custody.* The Administrator has legal custody of historical material in the Library.

§ 3.3 *Availability of historical material; restrictions.* (a) Historical material will be available subject to the conditions under which it has been acquired by the Library and subject to such restrictions as may be imposed by the Archivist.

(b) Historical material that contains information the disclosure of which would be prejudicial to the national interest or security of the United States, or contrary to the conditions under which the historical material has been acquired by the Library, or contrary to standards of propriety (save in cases where the public interest nevertheless requires disclosure) will not be made available.

(c) Inquiries as to the availability of historical material should be addressed to the Director.

ADMISSION TO SEARCH ROOMS

§ 3.4 *Application for permission to use historical material.* Permission to use unrestricted historical material may be obtained by making advance written application to the Director on a form provided for the purpose, and stating clearly therein the specific subject of the applicant's interest, and the purpose of his study. An applicant must satisfy the Director that he is qualified to do research, and that his proposed study has a serious and important purpose.

§ 3.5 *Admission card.* If the application is approved, a card of admission will be issued. This card is not transferable and must be produced when required. It is valid for a period not in excess of one year and may be renewed upon application. The effective beginning date on each newly-issued card of admission will be scheduled in advance in such a manner as to prevent over-crowding in the search room, and the applicant will be notified as far in advance as possible of the effective beginning date assigned to his card of admission. The possession of this card does not entitle a searcher to examine historical material the use of which is restricted.

§ 3.6 *Withdrawal of admission privilege.* The card of admission may be withdrawn by the Director for any violation of the provisions of this part, or for disregarding the authority of the supervisor in charge.

§ 3.7 *Hours of admission.* The search rooms will be open from 9 a. m. to 5 p. m. Monday through Friday, Federal holidays excepted, and at such other times as the Director may authorize.

SEARCH ROOM RULES

§ 3.8 *Requests.* Requests for historical material available under § 3.3 (a) should be made to the search room supervisor on a form provided for that purpose.

§ 3.9 *Searcher's responsibility.* When a searcher has completed his use of the historical material, or leaves the search room other than for short periods of time, he must notify the supervisor. A searcher is responsible for all historical material delivered to him until it has been returned by him to the supervisor.

§ 3.10 *Protection of historical material.* A searcher is required to exercise all possible care to prevent damage to the historical material delivered to him. Except when a supervisor authorizes the use of a fountain pen, the use of ink at desks upon which there is historical material is prohibited. Historical material may not be leaned upon, written upon, folded anew, traced or handled in any way likely to damage it. The use of paper clips, rubber bands, or other fasteners not on the historical material when delivered to a searcher is prohibited. The use of historical material of exceptional value or in fragile condition is subject to such special restrictions as the supervisor may deem necessary.

§ 3.11 *Limitation on quantity.* The supervisor in charge of a search room may limit the quantity of historical material delivered to a searcher at any one time.

§ 3.12 *Removal prohibited.* No historical material shall be taken from the search rooms except by members of the staff of the Library acting in their official capacities.

§ 3.13 *Disturbances.* Loud talking and other activities likely to disturb searchers are prohibited. Persons desiring to use typewriters or to carry on proofreading or similar work may be assigned desks in a room designated for such purpose.

§ 3.14 *Smoking and eating prohibited.* Smoking and eating in the search rooms are prohibited.

LOANS AND REPRODUCTIONS

§ 3.15 *Loans.* Historical material may not be borrowed for use outside the Library except upon authorization in each instance by the Archivist.

§ 3.16 *Permission to make reproductions and to publish historical material.* Historical material referred to in § 3.3 (a) may not be reproduced or published except upon the written authorization of the Director.

AUTHENTICATION AND ATTESTATION

§ 3.17 *Authentication and attestation of copies; costs.* The Director is authorized to authenticate and attest, for and in the name of the Archivist, copies or reproductions of available historical material. Such copies or reproductions will be furnished in appropriate cases upon payment of costs.

LEGAL DEMANDS

§ 3.18 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of historical material in the Franklin D. Roosevelt Library is served upon the Administrator notwithstanding the provisions of this part for making available upon request material and authenticated copies thereof, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such material, or the original material if necessary, unless he determines that disclosure of the information is contrary to law or would prejudice the national interest or security of the United States. In the event that a subpoena or other demand is served for historical material of the type referred to in § 3.3 (b), the Administrator will produce or submit copies of such historical material only with the approval of the President of the United States. When a subpoena or demand for historical material is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such material on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

MUSEUM

§ 3.19 *Admission fee.* A charge of 25 cents, inclusive of tax, if any, shall be collected from each person visiting and viewing the exhibit rooms or museum portion of the Library.

§ 3.20 *Waiver of admission fee.* The Director is authorized to waive the admission fee (a) for children 12 years of age or under when accompanied by an adult assuming responsibility for their safety and orderly conduct, (b) for persons from non-profit organizations or educational institutions, when such persons are accompanied by official instructors, and when application is made in advance, (c) for persons in the support or care of charitable institutions and their attendants, (d) for officials of States, counties, and municipalities, and organizations, semi-public or private, which may be engaged in activities affecting the Library, and (e) for employees of the Federal Government and others on official business: *Provided,* That the applicable tax will be collected from such persons unless exempt by law, in accordance with the act of June 29, 1939, as amended (53 Stat. 189; as amended; 26 U. S. C. 1700).

§ 3.21 *Hours of admission.* The museum portion of the Library will be open from 10 a. m. to 5 p. m. Tuesday through Sunday, including holidays. When a

holiday falls on Monday the museum will be open on the holiday and not on the following day.

PART 4—PRESERVATION AND USE OF RECORDS IN REGIONAL FEDERAL RECORDS CENTERS

Sec.
4.0 Scope.
4.1 Definitions.
4.2 Legal custody.
4.3 Restrictions on use of certain records.
4.4 Requests.
4.5 Penalty for unlawful removal or mutilation.
4.6 Photo-copying by regional Federal records centers.
4.7 Authentication and attestation of copies; costs.
4.8 Service of subpoena or other legal demand; compliance.

AUTHORITY: §§ 4.0 to 4.8 issued under sec. 205, 63 Stat. 389; 41 U. S. C. Sup., 235. Interpret or apply secs. 505, 509, Pub. Law 754, 81st Cong.

§ 4.0 *Scope.* The provisions of this part apply to records in regional Federal records centers of the General Services Administration.

§ 4.1 *Definitions.* As used in this part, unless the context otherwise requires:

(a) The term "regional Federal records center" means a records center operated by the General Services Administration primarily to serve other Federal agencies.

(b) The term "Administrator" means the Administrator of General Services.

(c) The term "Regional Director" means the Director of a region established by the General Services Administration.

(d) The term "Chief" means the Chief of a regional Federal records center.

§ 4.2 *Legal custody.* The Administrator has legal custody of records in regional Federal records centers.

§ 4.3 *Restrictions on use of certain records.* Records in regional Federal records centers that contain information the disclosure of which would be prejudicial to the national interest or security of the United States or contrary to standards of propriety (save in cases where the public interest nevertheless requires disclosure) will not be made available. Otherwise records will be made available to persons properly and directly concerned subject to conditions or restrictions under which they have been transferred to the respective regional Federal records centers, and such restrictions respecting their use as may be imposed by the respective Regional Directors.

§ 4.4 *Requests.* Requests for access to records in regional Federal records centers shall be addressed in writing to the appropriate Regional Director of the General Services Administration. Regional offices are located in Boston, Mass., New York, N. Y., Washington, D. C., Atlanta, Ga., Chicago, Ill., Denver, Colo., Kansas City, Mo., Dallas, Tex., San Francisco, Calif., and Seattle, Wash.

§ 4.5 *Penalty for unlawful removal or mutilation.* The unlawful removal or mutilation of records is forbidden and is punishable by fine or imprisonment or both (62 Stat. 695, 18 U. S. C. Sup., 2071).

§ 4.6 *Photo-copying by regional Federal records centers.* Requests for photographic copies of records in regional Federal records centers and requests for certification or authentication of such copies should be made to the Chief of the appropriate regional Federal records center.

§ 4.7 *Authentication and attestation of copies; costs.* The Chiefs of the several regional Federal records centers are authorized to authenticate and attest, for and in the name of the appropriate Regional Director of the General Services Administration, copies or reproductions of records in regional Federal record centers. Such copies or reproductions of records will be furnished in appropriate cases upon payment of costs.

§ 4.8 *Service of subpoena or other legal demand; compliance.* When a subpoena duces tecum or other legal demand for the production of matters of official record within a regional Federal records center is served upon the Administrator notwithstanding the provisions of this part for making available upon request records and authenticated copies of records, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records, or the original records if necessary, unless he determines that disclosure of the information is contrary to law or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records on the ground that he does not have legal custody thereof, is without authority under this part to produce the same, and the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

Dated: November 9, 1950.

JESS LARSON,
Administrator.

[F. R. Doc. 50-10210; Filed, Nov. 13, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 913]

[Docket No. AO-23 A9]

HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Kansas City, Missouri, on May 22–25, 1950, pursuant to notice thereof which was issued on May 11, 1950 (15 F. R. 2905).

Proposed amendments were submitted by the Pure Milk Producers Association of Greater Kansas City, Inc., by a group of Kansas City handlers, by the Bates County Milk Producers Association, and by the Dairy Branch, Production and Marketing Administration.

The material issues of record related to:

1. Classification of and accounting for milk;
2. Class prices;
3. Location adjustments;
4. Requirements for plants to be included in the pool;
5. Deductions for marketing services; and
6. Minor changes and a reissuance of the entire order.

Findings and conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The classification provisions of the order should be revised to provide for two classes of milk and the quantity of milk to be priced in each class should be the sum of the quantities of skim milk and butterfat used in such class.

The present order provides for three classes of milk, with Class I milk principally that disposed of as fluid milk, Class II milk that disposed of as fluid cream, flavored milk, creamed cottage cheese, cream buttermilk, aerated cream, and eggnog, and Class III milk that used for manufacturing dairy products. The volume of milk in Class I is determined principally on a volume basis and the volume of milk in each of the other classes is determined on the basis of the 3.8 percent milk equivalent of the butterfat used in such class. The total classification thus determined for a handler is reconciled with receipts from producers either by addition to the volume of Class III milk or subtraction from the volume in the lowest-priced class in which the handler has use. Under the present system the handler is required to account for all butterfat received but not for all skim milk received. The method of reconciliation to receipts from producers is used in lieu of an accounting for the utilization of skim milk receipts.

Producers proposed that the products now included in Class II milk be included in Class I milk, that the products now included in Class III milk be included in Class II milk, and that the volume of milk in each class be determined by adding together the volumes of skim milk and butterfat used in such class. Thus each handler would account for the utilization of both the skim milk and butterfat received and no reconciliation to receipts would be required.

The proposal to include in Class I those products formerly classified as Class II is closely associated with the proposed change in accounting procedure. Under the proposed system only the actual amounts of skim milk and butterfat included in or used in the production of these products are to be priced at the indicated class price. Under the present system the classification of butterfat determines the classification of skim milk in the 3.8 percent milk equivalent of such butterfat regardless of the use of the skim milk. The change in the volume to be classified to that actually disposed of in these products eliminates the need for a separate classification and pricing to compensate for the fact that not all the whole milk now priced as Class II milk is used in such products.

There was little opposition to the proposal to include in the new Class I those products now included in Class I and Class II, except for proposals that aerated cream and eggnog, presently included in Class II, be included in the lowest-priced class under either the present or the proposed method of classification. All other products included in the proposed Class I (present Class I and Class II) are required by the health authorities of the various segments of the marketing area to be produced from approved milk. The record indicates that, except for aerated cream disposed of within that portion of the marketing area which is within the city limits of Kansas City, Kansas, aerated cream and eggnog are not now required to be produced from approved milk. Aerated cream is made by persons, not handlers under the order, from unapproved milk and is distributed without regulation of the order except as handlers otherwise subject to the order either manufacture or distribute it. When handlers purchase packaged aerated cream the purchases are considered other source milk and when it is sold the sales are presently Class II milk, for which the allocation provisions give producer milk priority. Handlers claim that this procedure places them at a competitive disadvantage with persons using other methods of distribution of this product.

Producers contend that sales of aerated cream and eggnog compete with and replace sales of fluid cream and that therefore these products and cream should be in the same class. They fail, however, to indicate how it would be administratively feasible to bring all distribution of these products under the purview of the order, so that all handlers of them would be in a similar competitive position. Since these products are not required to be made from approved milk in the major segment of the marketing area, it is concluded that they should not be included in the proposed Class I, but should rather be included with other manufactured products in Class II.

Producers also proposed that the provisions for classification of shrinkage or unaccounted for milk be changed. Under the present order shrinkage up to 3 percent of receipts (other than those from other handlers) is Class III milk and any shrinkage in excess of that amount is Class I milk. The reconciliation and allocation provisions of the order, however, result at times in a handler, who has shrinkage within this limit, being charged for no producer milk as Class III milk. It was proposed that total shrinkage be prorated between receipts of producer milk and other source milk and that the portion allocated to producer milk be Class II milk up to 1 percent of producer receipts, and any excess be Class I milk.

Records of the market administrator indicate that for the market as a whole, in 1949 unaccounted for butterfat represented 1.545 percent of receipts, ranging from a low of .805 percent in November to a high of 2.292 percent in May, the only month showing more than 2 percent. Data for larger plants handling 85 percent of all receipts showed somewhat lower percentages than the average of the market. No data were available concerning unaccounted for skim milk, since its utilization is not necessarily reported under the present method of accounting for milk.

Some revision of the shrinkage provisions is appropriate in view of the data and the proposed changes in accounting procedure.

It is concluded that an allowance of 2 percent of receipts (other than those from other handlers) represents a reasonable standard and that shrinkage in excess of this standard should be classified as Class I milk. Shrinkage up to 2 percent of such receipts should be allocated pro rata to receipts from producers and of other source milk. The amount of Class II milk so allocated to receipts from producers should be exempted from the general rule that allocates Class II milk first to receipts of other source milk.

Some revision of the provisions for classification of milk transferred or diverted is necessary to conform to the change to two classes of milk. Handlers proposed an additional change which would have permitted transfers between handlers at Class II on what appeared to be a specific use basis without being subject to either reclassification on audit or to the allocation provisions that insure producers the higher use classification available on a monthly basis. Such proposal should not be adopted. Handlers also proposed that provision be made which would allow manufacturing classification on shipments, principally of cream to distant markets upon certification, by market administrators of other orders or by health authorities, of use in the manufacturing class. The provisions adopted permit such classification when established under the operation of other Federal orders. The record does not indicate that health authorities have data upon which such certification could be based, and this part of the proposal is not adopted.

2. Class I price differentials should not be changed, but a minor change should be made in the computation of one of the alternative basic formula prices to which such differentials are added; provisions to prevent counterseasonal changes in Class I prices should be adopted; Class II prices should be at the basic formula price during the six fall and winter months and at a reduced level during the remainder of the year; and the butterfat differential to handlers should apply to variations in butterfat content by classes and should be greater for Class I milk than for Class II milk.

Currently Class I milk prices are determined by adding $1.00 per hundredweight during the months of March through August, and $1.45 per hundredweight during other months to a basic formula price established on the higher of the paying prices of 18 Midwest condensaries or on a formula price computed from market prices of butter and nonfat dry milk solids. Producers proposed that the present Class I differentials be retained and made applicable under the classification and accounting system proposed by them. Certain handlers proposed that such differentials be reduced to 75 cents and 95 cents per hundredweight, respectively. This latter proposal was based upon the present classification and accounting provisions of the order.

While the supply of producer milk in the Kansas City market has increased since the present differentials were adopted effective January 1, 1949, there is no indication that on a year round basis the market is oversupplied. Some emergency milk was required in 1949 to supplement producer milk. Some handlers, in effect, are paying premiums over minimum order prices by not deducting producer location differentials provided by the order and admit that such action is in order to retain producers. Class 1 prices have been reduced materially within the past two years because of lower basic formula prices. The combined effect of the classification, accounting and Class II price changes as set forth herein will not materially affect

the level of uniform prices to producers. It is concluded that the present Class I differentials should be continued.

The nonfat dry milk solids price currently used in computing the alternative basic formula price, is the market price of such solids adjusted by dropping all fractions in excess of even half-cents. There appears to be no valid reason for this adjustment of what is a computed average price, and the adjustment should be deleted. The effect of the deletion will be minor, and will take place only when this alternative basic formula price is used.

The present Class I price differentials are designed to provide a minimum increase of 45 cents per hundredweight in the Class I prices for the months which are normally short production months over those of other months. Normally basic formula prices increase seasonally for the same months, so that the difference in Class I prices between the two seasons is greater than 45 cents. On occasion, however, basic formula prices may move contraseasonally and thus offset the effect of the seasonal change in differentials. It is concluded that in the Kansas City market it is more important to provide for definite minimum seasonal price changes than to maintain close relationship to basic formula prices. This can be accomplished by providing that Class I prices shall not decline during certain fall months or increase during certain spring months. No opposition to a proposal to that effect was made at the hearing. The provisions adopted will prevent the Class I price for October, November, and December from being below that for the preceding September and will prevent the Class I price for April, May, and June from being above that for the preceding March.

The present price of surplus milk (presently Class III milk) is the highest price quoted for ungraded milk of 3.8 percent butterfat content by any of three named plants. All these plants are now operated by persons who are handlers under the order. Producers proposed that the price for what will be Class II milk should be the basic formula price for the six months of short production, and that during the other months such price should represent the butter-nonfat dry milk solids formula price with a downward adjustment of 5 cents per pound of butterfat.

The basic formula price in recent months has ranged from 35 to 40 cents per hundredweight higher than the Class III price of the present order.

The evidence indicates that the quoted prices which now form the basis of the surplus milk price do not represent the entire cost of ungraded manufacturing milk to the plants involved, in that, in addition to paying the quoted prices to dairy farmers such plants pay hauling charges of 10 to 15 cents per hundredweight on such milk. Further, the indication is that during the period from September through February the volume of Class II milk represents principally such reserves as are necessary to compensate for day to day variations in Class I sales.

The basic formula price is based on the values of manufactured dairy products which are included in Class II milk, and appears to be a reasonable basis for determining the prices of Class II milk during the periods of relatively short supply.

The proposal that the price for Class II milk should be somewhat lower during the months of flush production as an assurance that all approved milk not needed for fluid uses may continue to be handled is not unreasonable and a price 20 cents per hundredweight lower than the basic formula price would appear to be approximately equal to the cost of ungraded manufacturing milk in the area. Provision should be made to prevent such price from being lower during any delivery period than the highest price reported as being paid for milk at the three local manufacturing plants.

It is concluded that during any of the months of September through February the Class II price should be the same as the basic formula price and that during any of the other months it should be 20 cents less than the basic formula price but in no event should it be less than the highest price paid at any of the three local manufacturing plants.

Under the present order handlers pay a butterfat differential based on the butterfat content of milk received from producers regardless of the class in which such milk is used. While this may be appropriate under a milk equivalent basis of determining the volume of milk in each class, a different method is required when accounting is on a butterfat and skim milk basis, namely that a butterfat differential be applied by classes on the basis of the butterfat test of the milk used in each class, if separate skim milk and butterfat prices are not established. It is concluded that for Class I milk this butterfat differential should be established at 1.3 times the price of butter and that for Class II milk it should be established at 1.2 times the price of butter during the months of September through February, and at 1.15 times the price of butter during the months of March through August. Such differentials will establish an appropriate difference in the value of butterfat used in the two classes, and will provide for a part of the seasonal reduction in Class II prices to be reflected in the value of Class II butterfat.

3. Location adjustments should be revised with respect to the applicable rate to both handler and producer prices and the volume upon which such adjustments are applicable to handler prices should be designated more clearly.

The order presently provides location adjustments to handlers on certain milk received at plants located outside the marketing area which are 30 miles or more by shortest highway distance from such handler's plant located within the marketing area. The rate of such adjustment is 17 cents per hundredweight for distances between 30 and 45 miles with an increase of 1½ cents per hundredweight for each additional 10-mile zone up to 75 miles and an additional ½ cent for each 10-mile zone thereafter. The uniform price to producers for their total deliveries at a plant beyond the 0 to 30 mile zone is subject to a location adjustment at the same rate as that specified for the handler location adjustment at the same plant.

The Pure Milk Producers Association proposed that location adjustments to handler and producer prices be eliminated for distances less than 50 miles and that a 16-cent rate per hundredweight be established in the 50 to 70 mile zone with an additional ½ cent for each 10-mile zone thereafter.

The above proposed rate was supported by another cooperative association the members of which deliver milk almost exclusively to a plant at which a 16-cent rate on producer receipts currently is being applied by the handler although a 21.5-cent rate is provided in the order.

Handlers operating country plants proposed that the present rates be maintained except that the rates from country plants at which there were no separating or manufacturing facilities should be established at the actual cost of movement. They failed to indicate how this latter rate was to be determined.

Developments in the market have rendered obsolete the present provisions with respect to rates. There are now only 4 country plants to which the provisions might apply. For several years handlers have deducted no location adjustments from the price for milk delivered to 2 of these plants, both within the 0 to 50 mile zone. At one other plant the handler who is entitled to deduct 21.5 cents from the uniform price to producers has recently been deducting only 16 cents.

The evidence indicates that producers delivering to plants within 50 miles of Kansas City can now deliver their milk to Kansas City plants about as economically as they can deliver it to such country plants, and that those producers delivering to more distant country plants can deliver to Kansas City plants for less additional expense than the adjustments now provided in the order. Handlers now operating country plants have limited receiving facilities at their city plants. The record clearly indicates that the payment of premiums (by not deducting allowable adjustments to producer prices) by these handlers to producers delivering to country plants has been an effort to prevent such producers from shifting their deliveries to other handlers with more adequate receiving facilities in their city plants. It is concluded that location adjustments to handler and producer prices should apply only to plants at distances of 50 miles or more and that a rate of 16 cents should apply to both handler and producer prices for plants located at distances of 50 to 70 miles with an additional ½ cent for each 10-mile zone thereafter.

The quantity of milk (up to receipts) upon which the adjustments are allowed under the provisions of the present order is determined by a "base" computed from the operations of the handler, with special provisions for handlers operating a group of particular types of plants.

The Pure Milk Producers Association proposed that location adjustments to handlers should apply only to Class I milk. Handlers proposed that such adjustments should apply to all milk re-

ceived from producers at their country plants.

Class II milk may be processed at country plants as well as at plants within the marketing area, so that there is no need for allowing handlers a location adjustment for Class II milk received at country plants. It is concluded that location adjustments to handlers should be allowed on the milk which is received from producers at country plants located beyond the 0 to 50 mile zone and which is assigned to Class I milk.

In case of multiple plant operations actual movement of milk and receipts at city plant from producers should be considered in the determination of the plant at which such Class I milk was received. These location adjustments should apply to milk received at a plant which is a single plant operation as well as to milk received at country plants which are part of a multiple plant operation. To accomplish this objective it is essential that distances be determined from country plants to a common point in the marketing area rather than, as provided in the present order, from a country plant to the city plant of the same handler. The City Hall in Kansas City, Missouri, is selected as such common point.

4. The milk to be included in the computation of the uniform price should be that received from producers at a plant from which a minimum percentage of the locally inspected milk received at such plant is disposed of in the marketing area. Such plants are defined as "pool plants" and the milk to be priced and included in the computation of the uniform price is determined by the provisions governing pool plant status.

The order presently provides for pricing and including in the computation of the uniform price locally inspected milk received at or diverted from an approved plant from which any Class I milk is disposed of in the marketing area.

It was proposed to designate as pool plants only those plants which dispose of 50 percent or more of their receipts of approved milk as Class I milk and at least 25 percent of such receipts as Class I milk in the marketing area. A counterproposal by an operating cooperative association which just recently started Class I business in the marketing area was to the effect that these percentages be established at 30 and 15 percent, respectively. The general objective of such proposals was to require a positive identification with the Class I milk business of the marketing area.

While the approval of health authorities of the marketing area with respect to both dairy farmers and plants constitutes a measure of identification of such milk with the Class I business of the marketing area, there is opportunity under the present provisions of the order for considerable volumes of milk to be priced and pooled on the basis of very slight contribution to the Class I needs of the marketing area. Token Class I sales in the marketing area during periods of flush production may now be made from a plant at which the remainder of the receipts are manufactured into dairy products and all the approved milk received at such plant is priced and pooled. The pricing and pooling of all milk received at such plants reduces the price received by producers whose milk is used regularly in the market and tends to discourage the production of sufficient milk to meet the needs of the market.

The Class I business that a plant does elsewhere is not a criterion of the extent to which such plant is identified with the fluid milk trade of the marketing area. Any requirements established for plants should be related to the milk disposed of in the marketing area.

Plants which dispose of only a small portion of their receipts of approved milk in the marketing area can hardly be considered to have fully identified such receipts as a regular part of the supply for the Greater Kansas City market. It is much more likely that the Kansas City market is not the primary market for such plants and that the market where the remainder of the milk is sold would have first claim upon the supplies of such plant. The economic conditions in such other market may be different from those prevailing in the regulated marketing area and the prices specified in the order for the marketing area may not be appropriated in such other market. The pricing of all milk received at such a plant from dairy farmers might well result in a serious financial disadvantage to the operator of such plant, especially if the prices paid by competitors were lower than those specified in the order.

Plants from which routes are operated in the marketing area should be required to dispose of a minimum percentage of their receipts of approved milk on such routes during each delivery period for such plant to be designated as a pool plant. Handlers starting a new route business can arrange for milk supplies in a reasonable relation to their sales so that the operations of such new handlers would not be affected adversely by a provision that would include in the uniform price computations the approved milk received at plants which operate routes in the marketing area only during those delivery periods when 15 percent or more of such receipts are disposed of as Class I milk on routes in the marketing area. It is concluded that such a provision is reasonable and should be adopted.

In the case of approved plants which supply bulk milk to plants operating routes in the marketing area, other factors must be considered in designating such plants as pool plants. There may be considerable need for milk from such plants in the months of short supply without a corresponding need during the months of flush production. Variations in their daily receipts of milk and their Class I sales make it difficult for receiving handlers to secure additional supplies from such supply plants in the exact amounts needed for Class I sales for each delivery period. For these reasons it is concluded that the requirements with reference to such supply plants should be established on the basis of milk moved during the short supply season to plants operating routes in the marketing area, and that a larger percentage of approved receipts should be required to identify such receipts as a part of the regular supply of the market.

It is provided therefor, That a supply plant will be a pool plant during any of the delivery periods of September, October, November, December, January, and February within which such plant supplies 30 percent or more of its receipts of approved milk to another pool plant which operates routes in the marketing area. If such a supply plant disposes of the required percentage during each of the above-named months, such plant may continue to be a pool plant during the following delivery periods of March, April, May, June, July, and August if a written request for such status is received from the operator of such plant by the market administrator before March 1.

The only supply plants, as contrasted with bottling or distributing plants, now approved for the Kansas City market are country receiving stations operated by handlers with Kansas City bottling plants having substantial Class I sales in the marketing area. The total number of approved plants operated by one handler may reasonably continue to be considered as one unit in determining those plants whose receipts are to be included in the pool.

Milk which is furnished to pool plants by approved plants which do not qualify as pool plants will continue to be considered other source milk, and if used as Class I milk when producer milk is available will continue, as it now is, to be subject to payment by the receiving handler of the difference between the values of such milk at the Class I price and at the Class II price. Milk otherwise disposed of as Class I milk in the marketing area from an approved plant which does not qualify as a pool plant should be subject to equivalent payments, i. e., the difference between the Class I price and the Class II price, by the operator of such plant. The provision permitting producer milk to be diverted and be priced and pooled is continued.

5. The maximum rate of deductions from payments to producers for marketing services performed by the market administrator should be increased from 3 cents to 5 cents per hundredweight of milk.

The records of the market administrator indicate that the costs of providing the services of checking tests and weights for and furnishing market information to producers who do not receive these services from a cooperative association are currently in excess of the revenue derived from deductions made from such producers at the rate now provided in the order. The producers to whom such services are now furnished are relatively few in number and a large proportion of them deliver to plants which require travel to perform the services. As a result of these conditions, unit costs are relatively high. Reserve funds accumulated in prior years when unit costs were lower are now depleted, necessitating an increase in the rate of deduction to provide sufficient funds to carry out the provisions of the order with respect to these services. It is concluded that a rate of assessment of 5 cents per hundredweight of milk will provide the

necessary revenue and that this rate should be adopted as the maximum rate.

6. Other minor changes should be made and the entire order should be reissued and renumbered to conform to the numbering system now required by the FEDERAL REGISTER.

A cooperative association proposed that the market administrator be required to furnish a cooperative association each month a report of the utilization of the milk of its members by each handler who received milk from such members. Handlers opposed this on the basis that it was confidential information which should not be furnished the producers. This argument should be accorded little weight, however, since the only information involved would be the percentage of milk in each class and the volume of milk supplied by members of the cooperative association, and no information would be released concerning the volume of milk received by the handler from sources other than member producers. The information requested would assist the cooperative association in allocating its milk more equitably among handlers in times of shortage, and thus insure each handler a more nearly adequate supply of milk. It is concluded that such a provision should be adopted.

Provision should also be made in the order for payments by handlers to a cooperative association authorized to collect payments for milk of its members on a date at least one day earlier than the date for payment to individual producers. This will enable all producers to be paid by the same date. Since such payments are lump sum payments, handlers should be able to make them on a date earlier than that on which payments are made to individual producers.

Handlers proposed that the required date of payment to producers, which is now the 12th day of the month, be the 3d day, exclusive of Saturdays, Sundays, and holidays, after announcement of the uniform price. The uniform price is required to be announced by the 10th day of each month, and frequently is available one or two days earlier. Handlers indicate that a five-day office week makes difficult and costly the computation of payments and the issuance of checks within the allotted time whenever nonwork days fall in the period between the announcement of the uniform price and the date of payment. The proposal would, in effect, provide a variable date for payment. Producers, however, are accustomed to receive payment on a definite date and arrange their obligations accordingly. The dates presently required are later than those once included in the order, as a result of a request of handlers for more time to file reports upon which the uniform price is computed. It is concluded that no change which would further defer payments to producers should be made at this time.

Handlers also proposed that the fall incentive payments now made to producers by the market administrator from funds deducted in the uniform price computations for spring months be included in the uniform price computations for the months in which they are paid out. Such proposal would not change the amount of money any producer would receive. It might, however, reduce the emphasis on fall production that a special payment for fall months provides. It is concluded that no change in the method of payment of such funds should be made at this time.

The language of the order must be changed in many places to conform to a skim milk and butterfat method of accounting, and the order provisions should be renumbered to conform to current codification requirements. The reissuance and renumbering of the entire order will have no substantive effect except as to those provisions of the order which specifically should be amended as aforesaid. The issuance of a complete amended order at this time with section numbering conforming to FEDERAL REGISTER requirements is desirable so that all of the provisions of the order, as amended, will be readily accessible in a single document.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Pure Milk Producers Association of Greater Kansas City, Inc., the Bates County Milk Producers Association, the Milk Producers Marketing Company, and certain proprietary handlers subject to the order.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed order. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the recommended order.

DEFINITIONS

§ 913.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 913.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture of the United States.

§ 913.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 913.4 *Person.* "Person" means any individual, partnership, corporation, association or other business unit.

§ 913.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of dairy farmers, some of whom are producers as defined in § 913.7, which the Secretary determines after application by the association:

(a) Is qualified under the provisions of the Act of Congress of February 8, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has its entire activities under the control of its members; and

(c) Has and is exercising full authority in the sale of milk of its members.

§ 913.6 *Greater Kansas City marketing area.* "Greater Kansas City marketing area" hereinafter called "marketing area" means all of the territory in Jackson County, Missouri; that part of Clay County, Missouri, South of Highway 92, beginning at the Platte County and Clay County line, east to the west section line of section 26 in Washington Township, north to the north section line of said section 26, east to the Clay County and Ray County line; Lee, Waldron, May and Pettis Townships in Platte County, Missouri; Wyandotte County, Kansas; Shawnee and Mission Townships in Johnson County, Kansas; and Delaware, Leavenworth, and that part of Kickapoo and High Prairie Townships east of the 95th principal meridian in Leavenworth County, Kansas.

§ 913.7 *Producer.* "Producer" means any person, other than a producer-handler, who (a) produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area on a dairy farm subject to the regular inspection of such authority, which (1) is received at a pool plant, or (2) is caused to be diverted from a pool plant to a nonpool plant by a handler or cooperative association for the

account of such handler or cooperative association, or (b) produces milk acceptable to agencies of the United States Government for fluid consumption in its institutions or bases which is received at a pool plant supplying Class I milk to such an institution or base in the marketing area. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempted from this order pursuant to the provisions of § 913.62. As used herein "dairy farm permit or rating" means one issued by the health authority charged with the inspection of milk for fluid consumption in the part of the marketing area where such milk is sold or disposed of, or was sold or disposed of before being diverted.

§ 913.8 *Route.* "Route" means any delivery (including a sale from a plant or plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, or cream in fluid form other than a delivery of such products in bulk to any milk processing plant.

§ 913.9 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the applicable health authority of the marketing area for the handling of milk to be disposed of as Class I milk in the marketing area and (1) from which a route is operated in the marketing area, or (2) which is principally used to receive milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 and to prepare such milk for transfer to another approved plant from which a route is operated in the marketing area, or (b) which is supplying Class I milk to a Federal institution or base in the marketing area.

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area, or (b) during any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1.

If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation.

§ 913.11 *Handler.* "Handler" means (a) the operator of an approved plant (whether or not such approved plant is a pool plant) in his capacity as such, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from a pool plant to another milk plant for the account of such cooperative association.

§ 913.12 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

§ 913.13 *Producer milk.* "Producer milk" means all milk, produced by a producer, which is received at a pool plant either directly from such producer or from other handlers.

§ 913.14 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 913.15 *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this order or any amendment thereto is in effect.

MARKET ADMINISTRATOR

§ 913.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 913.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 913.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 913.89 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 913.88) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 913.30 through 913.32,

(2) Maintained adequate records and facilities pursuant to § 913.33, or

(3) Made payments pursuant to §§ 913.80 through 913.87.

(i) On or before the 12th day after the end of each delivery period, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 5th day of each month the minimum price for Class I milk pursuant to § 913.51 (a) and the Class I butterfat differential pursuant to § 913.52 (a), both for the current delivery period; and the minimum price for Class II milk pursuant to § 913.51 (b) and the Class II butterfat differential pursuant to § 913.52 (b), both for the previous delivery period; and

(2) On or before the 10th day of each month the uniform price computed, pursuant to § 913.71 and the producer butterfat differential computed pursuant to § 913.82, both applicable to milk delivered during the previous delivery period; and

(k) Prepare and disseminate to the public such statistics and other information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 913.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period each

handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The receipts at each plant of milk from each producer, the pounds of butterfat contained therein, the average butterfat test and the number of days on which milk was received from such producer;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area;

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe; and

(g) The pounds of skim milk and butterfat contained in all milk, skim milk, cream and other Class I products on hand at the beginning and at the end of the delivery period.

§ 913.31 *Payroll reports.* On or before the 20th day of each delivery period, each handler operating a pool plant shall submit to the market administrator his producer payroll for receipts during the preceding delivery period which shall show (a) the total pounds and the average butterfat test of milk received from each producer and cooperative association, (b) the amount of payment to each producer and cooperative association, and (c) the nature and amount of any deductions or charges involved in such payments.

§ 913.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes producer milk to be diverted to any plant shall report, prior to such diversion, to the market administrator and to the cooperative association of which such producer is a member, his intention to divert such milk, the proposed date or dates of such diversion and the plant to which such milk is to be diverted.

§ 913.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts of producer milk and other source milk and the utilization of such receipts;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 913.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 913.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 913.30 shall be classified by the market administrator pursuant to the provisions of §§ 913.41 through 913.46.

§ 913.41 *Classes of utilization.* Subject to the conditions set forth in §§ 913.43 and 913.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products with flavor or sweetening added in containers or dispensers under pressure, casein, margarine and cheese (including skim milk used to produce cottage cheese curd, but not including skim milk and butterfat used in creaming cottage cheese disposed of as creamed cottage cheese); (2) used for starter churning, wholesale baking and candy making purposes; (3) disposed of as livestock feed; and (4) in shrinkage not in excess of 2 percent of total receipts, other than receipts from pool plants of other handlers, of skim milk and butterfat, respectively.

§ 913.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified as Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and other source milk.

§ 913.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 913.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 913.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk or cream to a nonpool plant located more than 150 miles from the pool plant by the shortest highway distance as determined by the market administrator, except as utilization of cream as Class II milk is established through the operation of another Federal order for another milk marketing area.

(d) As Class I milk, if transferred in the form of milk, skim milk or cream to a nonpool plant located less than 150 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

§ 913.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler and shall compute the total pounds

of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 913.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 913.45 the market administrator shall determine the classification of milk received from producers at the pool plant(s) of each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk prorated to shrinkage in skim milk received from producers pursuant to § 913.42.

(2) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk: *Provided,* That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other pool plants according to its classification as determined pursuant to § 913.44(a);

(4) Add to the pounds of skim milk remaining in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) Subtract from the pounds of skim milk remaining in each class any amount by which the pounds of skim milk remaining in both classes exceed the pounds of skim milk in milk received from producers in series beginning with Class II. Such excess shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I milk and of the Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 913.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

Present operator and location

Borden Co., Mt. Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) To the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, add 20 percent thereof and multiply by 3.8.

(2) To the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 7.

§ 913.51 *Class prices.* Subject to the provisions of §§ 913.52 and 913.53, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the delivery period shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding delivery period plus $1.00 during each of the delivery periods of March, April, May, June, July, and August, and plus $1.45 during all other delivery periods: *Provided,* That for each of the delivery periods of October, November, and December of each year, such Class I price shall not be less than that for September of the same year, and that for each of the delivery periods of April, May, and June of each year such Class I price shall not be more than that for March of the same year.

(b) *Class II milk.* The basic formula price for the current delivery period during each of the delivery periods of September, October, November, December, January, and February, and such basic formula price less 20 cents during all other delivery periods: *Provided,* That such price shall not be less than the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any one of the three following plants:

Present Operator and Location

Meyer Sanitary Milk Co., Valley Falls, Kans.
Franklin Ice Cream Co., Tonganoxie, Kans.
Milk Producers Marketing Co., Kansas City, Kans.

§ 913.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 913.46 (c) is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 913.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 913.50 (b) (1) by 1.3 and divide the result by 10;

(b) For Class II milk (1) during each of the delivery periods of September through February, multiply the butter price specified in § 913.50 (b) (1) by 1.2 and divide the result by 10; and (2) during each of the delivery periods of March through August, multiply the butter price specified in § 913.50 (b) (1) by 1.15 and divide the result by 10.

§ 913.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 50 miles by shortest highway distance, as determined by the market administrator, from the City Hall in Kansas City, Missouri, and which is classified as Class I milk the prices computed pursuant to § 913.51 (a) shall be reduced by 16 cents if such plant is located more than 50 miles but not more than 70 miles from such City Hall and by an additional one-half cent for each 10 miles or fraction thereof that such distance exceeds 70 miles.

In case such pool plant is operated by a handler who also has a plant in the marketing area, milk moved to such plant in the marketing area shall be considered to be Class I milk to the extent that the Class I milk disposed of from such plant in the marketing area exceeds receipts of milk from producers at such plant in the marketing area: *Provided,* That if such handler has two or more pool plants to which location adjustments apply, the milk so classified as Class I milk shall be deemed to have been transferred from such pool plants in the order of their distance from the City Hall in Kansas City.

Location adjustments on milk transferred as Class I milk from a pool plant to the pool plant of another handler shall apply only to that portion of such milk which is not in excess of the amount by which the total Class I sales of the receiving handler are greater than the total receipts of such handler from producers.

APPLICATION OF PROVISIONS

§ 913.60 *Producer-handlers.* Sections 913.40 through 913.46, 913.50 through 913.53, 913.61, 913.70, 913.71, 913.80 through 913.89 shall not apply to a producer-handler.

§ 913.61 *Handlers operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant shall pay, with respect to all skim milk and butterfat other than that transferred to the pool plant of another handler, disposed of as Class I milk within the marketing area, an amount equal to the difference between the value of such skim milk and butterfat at the Class I price and their value at the Class II price. Payments pursuant to this section shall

be made to the market administrator for the producer-settlement fund on or before the 12th day after the end of each delivery period.

§ 913.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this order shall not apply, except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require, and allow verification of such reports by the market administrator.

(b) Such handler shall pay to the market administrator for the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the excess, if any, by which the value of such skim milk and butterfat as determined pursuant to this order exceeds its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 913.63 *Diversion.* (a) Milk diverted for the account of a handler from an approved plant of such handler to a milk plant which is not a pool plant shall be deemed to have been received by such handler at the approved plant from which such milk was diverted.

(b) Milk diverted for the account of a handler from an approved plant of such handler to a pool plant of another handler for not more than 5 days during the delivery period shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted; milk received at a pool plant for more than 5 days during the delivery period shall be deemed to have been received at such pool plant by the handler who operates such pool plant.

(c) Milk diverted by a cooperative association that does not operate an approved plant, from a pool plant to another milk plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted.

DETERMINATION OF UNIFORM PRICE

§ 913.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 913.46 (c) by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 913.46 (a) (5) by the applicable respective class prices; and

(c) For any other source skim milk or butterfat subtracted from Class I milk pursuant to § 913.46 (a) (2) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available.

§ 913.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk received from producers as follows:

(a) Combine in one total the values computed pursuant to § 913.70 for all handlers who made reports prescribed in § 913.30 and who made the payments pursuant to §§ 913.80 and 913.84 for the preceding delivery period;

(b) Add the aggregate of the values of all allowable location differential adjustments to producers pursuant to § 913.81;

(c) For each of the delivery periods of May, June, and July, subtract an amount equal to 20 cents per hundredweight of the total amount of milk received by handlers from producers and included in these computations, to be retained in the producer-settlement fund for the purpose specified in § 913.86;

(d) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(e) Subtract for each one-tenth percent by which the average butterfat content of the milk included in these computations is greater than 3.8 percent, or add for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 913.82 by the total hundredweight of such milk;

(f) Divide by the total hundredweight of milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for milk of 3.8 percent butterfat content received at pool plants located less than 50 miles from the City Hall in Kansas City, Missouri.

PAYMENTS

§ 913.80 *Time and method of payment.* Each handler operating a pool plant shall make payment as follows:

(a) On or before the 12th day after the end of each delivery period, to each producer for whom payment is not received from the handler pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 913.71, adjusted by the butterfat differential computed pursuant to § 913.82, subject to the location adjustment to producers pursuant to § 913.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 913.88 and (3) deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 913.84, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of such delivery period, at the approximate value of such milk.

(c) On or before the 11th day after the end of each delivery period and on or before the 23d day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b) of this section, respectively, of this section, to a cooperative association which so requests, with respect to producers on whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The pounds per shipment, the total pounds, and the average butterfat test of milk delivered by the producer;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of §§ 913.80, 913.81, and 913.82;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 913.88 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

In making payment to a cooperative association as provided in paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, there shall be deducted 16 cents per hundredweight of milk for dis-

tances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

§ 913.82 *Producer butterfat differential.* In making payments pursuant to § 913.80, there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.8 percent, an amount computed by adding 4 cents to the butter price specified in § 913.50 (b) (1), dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 913.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 913.61, 913.62, and 913.84 and all appropriate payments pursuant to § 913.87 and out of which he shall make all payments to handlers pursuant to §§ 913.85 and 913.86 and all appropriate payments pursuant to § 913.87: *Provided,* That payments due to any handler shall be offset by payments due from such handler.

§ 913.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, during such delivery period as determined pursuant to § 913.70 is greater than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer.

§ 913.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each delivery period during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during such delivery period as determined pursuant to § 913.70 is less than the amount required to be paid producers by such handler pursuant to § 913.80 before deductions (a) for marketing services pursuant to § 913.88 and (b) authorized by the producer: *Provided,* That if at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payment and shall complete such payments as soon as the necessary funds are available.

§ 913.86 *Fall incentive payment.* On or before the 15th day after the end of each of the delivery periods of October, November, and December, the market administrator shall pay out of the producer-settlement fund to each producer an amount computed as follows: Divide one-third of the total amount held pursuant to § 913.71 (c) by the hundredweight of producer milk received during the delivery period involved (October, November, or December, as above) and apply the resulting amount per hundredweight to the milk of each producer for such delivery period: *Provided,* That payment under this paragraph due any producer who has given authority to a cooperative association to receive payments for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payment.

§ 913.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due the market administrator or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of the amount due and payment therefor shall be made within 5 days if such amount is due the market administrator, or on or before the next date for making payments to producers or a cooperative association, if such amount is due them. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made within 5 days.

§ 913.88 *Marketing service*—(a) *Deductions.* Except as set forth in (b) of this section, each handler in making payments to producers other than himself pursuant to § 913.80 (a), shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from producers during the delivery period, and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from and to provide market information to such producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from the payments to be made directly to producers pursuant to § 913.80 (a), as are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members, accompanied by a statement showing the amount of the deduction and the quantity of milk for which it was computed for each such producer.

§ 913.89 *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler shall pay the market administrator, on or before the 12th day after the end of each delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received from producers during such delivery period.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expenses set forth in this section.

§ 913.90 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant

to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 913.100 *Effective time.* The provisions hereof or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 913.101.

§ 913.101 *Suspension or termination.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 913.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 913.103 *Liquidation.* Upon the suspension or termination of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 913.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 913.111 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 9th day of November 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator.

[F. R. Doc. 50-10194; Filed, Nov. 13, 1950; 8:51 a. m.]

[7 CFR, Part 954]

[Docket No. AO 153-A5]

HANDLING OF MILK IN DULUTH-SUPERIOR MARKETING AREA

PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Court Room 3, Federal Building, Duluth, Minnesota, beginning at 10:00 a. m., e. s. t., November 29, 1950, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Duluth-Superior marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order (No. 54), as amended, for the Duluth-Superior marketing area were proposed as follows:

Proposed by the Twin Ports Cooperative Dairy Association, Inc., and the Arrowhead Cooperative Creamery Association:

1. Amend § 954.1 (a) (1) by adding Carlton County, Minnesota, Douglas County, Wisconsin, and the cities of Two Harbors and Proctor, Minnesota, to the marketing area described therein.

2. Delete § 954.4 (b) and substitute therefor the following:

(b) (1) Class I milk shall be all milk disposed of in the form of milk, skim milk, buttermilk, flavored milk and flavored milk drinks, and cream for fluid consumption (including any mixture of cream and milk or skim milk containing less butterfat than the minimum requirement for cream) and all milk not specifically accounted for as used to produce a Class II product.

(2) Class II milk shall be all milk used to produce a milk product other than those specified in Class I and actual plant shrinkage up to 2 percent of the total receipts of milk: *Provided*, That plant shrinkage established with respect to milk received by a handler from producers and new producers shall be the proportion of total plant shrinkage determined by applying to total plant shrinkage the percentage which milk received from producers and new producers bears to the total quantity of milk received.

3. Change the basic test used in computing prices in the order from 4 percent butterfat content to 3.5 percent butterfat content.

4. Amend § 954.5 (a) (1), (2), and (3) to read as follows:

(1) *Class I milk.* The price for Class II milk for such delivery period plus $1.00.

(2) *Class II milk.* For each delivery period the price which results from the following computation by the market administrator: (i) Determine the average of the daily prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (ii) multiply by 3.5; (iii) add 25 percent thereof and add an additional 7/10 cent for each 1/10 cent that the average f. o. b. gross factory price per pound of dry skim milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

5. Add as § 954.5 (b) the following:

(b) *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to Class I or Class II is more or less than 3.5 percent there shall be added to the respective class price computed pursuant to paragraph (a) of this section for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount computed as follows: Multiply by 1.25 the average of the daily wholesale price per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the previous delivery period and divide the result by 10.

6. Amend the entire order so as to provide for the accounting for all milk on the basis of the quantities of skim milk and butterfat contained therein.

7. Delete § 954.7 (b) and substitute therefor the following:

(b) For each delivery period the market administrator shall compute the uniform price per hundredweight of milk in the following manner:

(1) Combine in one total the respective values of milk computed pursuant to paragraph (a) of this section, for each handler who has made the reports prescribed by § 954.3 (a) and who has made the payments prescribed by § 954.8 (c);

(2) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class II price;

(3) For each of the delivery periods of May, June, and July, subtract from the remaining sum an amount computed by multiplying the total hundredweight of milk included in this computation by 8 percent of the Class I price for such delivery period;

(4) For each of the delivery periods of October, November, and December, add one-third of the total amount subtracted pursuant to subparagraph (3) of this paragraph;

(5) Add an amount repregenting the cash balance in the producer-settlement fund exclusive of the amount retained in

such fund pursuant to subparagraph (3) of this paragraph;

(6) Subtract, if the average butterfat content of the net pooled milk of all handlers whose reports are included in this computation is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content varies from 3.5 percent by the butterfat differential computed pursuant to § 954.8 (f);

(7) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation; and

(8) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments and delinquency in payments by handlers. This result shall be known as the uniform price for milk containing 3.5 percent of butterfat.

Proposed by the Dairy Branch, Production and Marketing Administration:

8. Amend § 954.7 (a) to provide that, if any handler disposes of a greater quantity of skim milk or butterfat than is reported as having been received by him, an amount equal to the utilization value of such skim milk or butterfat shall be added to the value of the milk received by such handler from producers and new producers during the delivery period.

9. Amend § 954.9 (a) by deleting the words "3 cents" and substituting therefor the words "4 cents."

10. Make such other changes as may be required to make the entire order conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing may be procured from the market administrator, 2002 West Superior Street, Duluth 2, Minnesota, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 9, 1950.

[SEAL] ROY W. LENNARTSON,
Acting Assistant Administrator.

[F. R. Doc. 50-10193; Filed, Nov. 13, 1950; 8:51 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR, Parts 301-334]

MISCELLANEOUS AMENDMENTS TO CHAPTER

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that adoption of the following rules and regulations is contemplated. All interested persons who desire to submit written data, views, or arguments for consideration by the Board of Directors of the Federal Deposit Insurance Corporation in connection with the proposed rules shall send them to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

1. Section 301.1 is amended (1) by deleting the words "section 12B of the Federal Reserve Act, as amended (48 Stat. 168, as amended; 12 U. S. C. 264)" and substituting therefor the words "the Federal Deposit Insurance Act (Act of Sept. 21, 1950, Pub. Law 797, 81st Cong.)"; and (2) by deleting the matter in parenthesis at the end thereof and substituting therefor the following: "(Sec. 9, Pub. Law 797, 81st Cong.)."

2. The "Authority" provision of Part 302 is changed to read as follows: "Authority: §§ 302.1 to 302.7 issued under sec. 9, Pub. Law 797, 81st Cong."

3. Section 302.3 is amended by deleting the words "Committee on Administrative Procedure, Regulations, and Forms" and substituting therefor the words "Committee on Administration."

4. The "Authority" provision of Part 303 is changed to read as follows: "Authority: §§ 303.1 to 303.11 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 5, 6, 8, 18, 19 Pub. Law 797, 81st Cong."

5. Sections 303.2 and 303.3 are amended to read as follows:

§ 303.2 *Application by State nonmember insured bank to establish a branch.*[1] Application by a State nonmember insured bank (except a District bank) to establish and operate a new branch should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

§ 303.3 *Application by State nonmember insured bank to move main office or branch.* Application for the consent of the Corporation to move the main office or branch of a State nonmember insured bank (except a District bank) should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the Supervising Examiner of the District in which the application originates. (See Part 304 of this subchapter for list of forms and instructions.)

6. Section 303.5 is amended to read as follows:

[1] "The term 'branch' includes any branch bank, branch office, branch agency, additional office, or any branch place of business located in any State of the United States or in any Territory of the United States, Puerto Rico, or the Virgin Islands at which deposits are received or checks paid or money lent." (Sec. 3 (o) (Pub. Law 797, 81st Cong.))

§ 303.5 *Application for conversion, merger, consolidation, assumption and sale of asset transactions*—(a) *With noninsured bank or institution.* Application by an insured bank for the consent of the Corporation to merge or consolidate with a noninsured bank or institution, or to convert into a noninsured institution, or to assume liability to pay any deposits made in, or similar liabilities of, any noninsured bank or institution, or to transfer assets to any noninsured bank or institution in consideration of the assumption of liability for any portion of the deposits made in such insured bank, together with copies of all agreements or proposed agreements relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the insured bank is located. The appropriate form of application and instructions for completing the form as well as instructions concerning notice to depositors, may be obtained upon request from the office of said Supervising Examiner.

(b) *Conversion with diminution of capital or surplus.* Application for the consent of the Corporation to convert into an insured State nonmember bank (except a District bank)—when the conversion will result in the converted bank having less capital stock or surplus than the converted bank at the time of the shareholders' meeting approving such conversion—together with copies of the charter and/or articles of association of the converted bank, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the insured bank is located. The appropriate form of application and instructions for completing the form may be obtained upon request from the office of said Supervising Examiner.

(c) *Merger, consolidation or assumption with diminution of capital or surplus.* Application for the consent of the Corporation to merge or consolidate under the charter of a State bank, or assume the liability to pay any deposits made in another insured bank—when the resulting or assuming bank is to be an insured State nonmember bank (except a District bank) and where the capital stock or surplus of the resulting or assuming bank will be less than the aggregate capital stock or aggregate surplus, respectively, of all the merging or consolidating banks or of all the parties to the assumption of liabilities, at the time of the shareholders' meetings which authorized the merger or consolidation or at the time of such assumption—together with copies of all agreements or proposed agreements, charters and articles of association relating thereto, should be filed with the Supervising Examiner of the Federal Deposit Insurance District in which the resulting or assuming bank is located. The appropriate form of application and instructions for completing the same may be obtained upon request from the office of said Supervising Examiner.

7. Section 303.8 is amended to read as follows:

§ 303.8 *Application for use of other official sign or for exemption from advertising requirements.* Any application made by an insured bank under any of the provisions of Part 328 of this chapter should be filed with the Division of Examination of the Corporation at its principal office. Such application should (a) be in writing; (b) be signed by the president, or cashier, or other managing officer of the bank; and (c) state, in conformity with the particular provision in respect of which the application is made, the reason for the request in detail and the reason why the application should be granted and in case of an official sign should be accompanied by a sample of the proposed sign.

8. The "Authority" provision of Part 304 is changed to read as follows: "Authority: §§ 304.1 to 304.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 5–8, 10, 18, 19, Pub. Law 797, 81st Cong."

9. Section 304.1 is amended by deleting the words "subsection (h) of section 12B of the Federal Reserve Act, as amended" and substituting therefor the words "section 7 of the Federal Deposit Insurance Act,".

10. Paragraphs (a), (d) and (f) of § 304.3 are amended by deleting in each the words "subsection (g) of section 12B of the Federal Reserve Act, as amended" and substituting therefor in each the words "section 6 of the Federal Deposit Insurance Act".

11. Paragraph (i) of § 304.3 is repealed and paragraph (g) of § 304.3 is amended to read as follows:

(g) *Form 85, Form 85a and Form 85b: Applications of State nonmember insured bank (except District bank and mutual savings bank) to establish or move its main office or branch.* (1) Form 85 is an application to establish a branch. The applicant bank is required to submit statements, representations and information with respect to the several factors enumerated in section 6 of the Federal Deposit Insurance Act and a copy of the resolution of its board of directors authorizing the bank's president or vice president and cashier or secretary to make the application. The application must be executed in quadruplicate, signed by the president or vice president, have the corporate seal of the bank affixed thereto, and be attested by the cashier or secretary. Three signed applications must be forwarded to the Supervising Examiner and the other application retained in the files of the bank as part of its permanent records. The application must be accompanied by a certified copy of the bank's Articles of Incorporation or Association, including any amendments thereto unless previously submitted to the Corporation and not subsequently amended.

(2) Form 85a is an application to move main office or branch. It is similar to Form 85 and should be prepared and submitted in the same manner as Form 85.

(3) Form 85b is an application to establish a branch pursuant to designation as depositary and financial agent of the United States Government. It is similar to Form 85 and should be prepared and submitted in the same manner as Form 85.

12. Paragraph (h) of § 304.3 is amended to read as follows:

(h) *Form 85-M and Form 85a-M: Application by insured nonmember mutual savings bank to establish a branch or move its main office or branch.* (1) Form 85-M is substantially the same as Form 85 and should be prepared and submitted in the same manner as Form 85.

(2) Form 85a-M is substantially the same as Form 85a and should be prepared and submitted in the same manner as Form 85.

13. Paragraphs (q) to (z) of § 304.3 are deleted and the following paragraphs are substituted therefor:

(q) *Form 545: Certified statement.* A Form 545 must be submitted on or before January 15 and July 15 of each year by every insured bank except newly insured banks which must submit their First Certified Statement on Form 645. Form 545 shows the deposit liabilities, less authorized deductions, for the two base days in each semiannual period. The base days are March 31 and June 30 for the six months ending June 30, and September 30 and December 31 for the six months ending December 31. When any of said base days is a non-business day or a holiday, either national or state, the preceding business day shall be used. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, signed by an official of the bank and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file. The forms are mailed to all insured banks each six months in ample time to permit compliance with the law, but if not received on or before January 1 or July 1, they should be obtained from the Fiscal Agent. Instructions for the preparation of said forms are furnished all insured banks by the Fiscal Agent.

(r) *Form 555: Tabulation of assessment base.* Form 555 is used for the tabulation of total deposit liabilities, deductions claimed, and deposits for the assessment base for assessment base days. Each form has spaces for recording the figures for the two base days in each semi-annual period. The form and the supporting records required under section 7 (a) of the Federal Deposit Insurance Act, must be retained by the bank as part of its records. A supply of these forms is mailed periodically to each insured bank. Additional supplies of the form may be obtained from the Fiscal Agent upon request.

(s) *Form 645: First certified statement.* The First Certified Statement, Form 645, must be submitted on or before July 15 or January 15 following the semiannual period in which the bank began operation as an insured bank. The form shows the deposit liabilities, less authorized deductions, for the applicable base day, either June 30 or December 31, or if the applicable day falls on a non-business day or a holiday, the preceding business day shall be used. The form will show the computation of the assessment base and the amount of the assessment due the Corporation. It must be prepared in duplicate, signed by an official of the bank, and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's file. The forms will be mailed by the Fiscal Agent to newly insured banks with appropriate instructions for their preparation.

(t) *Form 845: Final certified statement—for use by an insured bank whose deposits are assumed by another insured bank.* This Statement, Form 845, shows the deposit liabilities, less authorized deductions of the bank on the base days prior to the assumption date. Form 845 accompanied by appropriate letter of explanation and instructions will be mailed by the Fiscal Agent to each insured bank whose deposit liabilities are assumed by another insured bank. The form must be prepared in duplicate, signed by an officer of the bank and the original must be forwarded to the Fiscal Agent. The duplicate copy should be retained in the bank's files. If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file Form 845 or to pay any assessments upon the deposits so assumed after the semiannual period in which the assumption takes effect.

(u) *Form 845A: Final certified statement—for use of an insured bank whose deposit liabilities are assumed by another insured operating bank (To be used when the assuming bank executes the certified statement for the bank whose deposits were assumed).* Form 845A may be substituted for Form 845 described in paragraph (t) of this section if the assuming bank is executing the Certified Statement for the bank whose deposit liabilities were assumed. Form 845A is prepared in the same manner as Form 845 except the certification is executed by an official of the assuming bank.

(v) *Amended and corrected certified statements.* Forms for use in amending or correcting previously submitted Certified Statements are identical in number and form with Forms 545, 645, 845, and 845A described above except the title of the form contains the additional word "Amended" or "Corrected". These forms may be obtained on request from the Fiscal Agent.

14. Section 305.1 is amended to read as follows:

§ 305.1 *Payment of insured deposits in closed banks.* When an insured bank closes under circumstances requiring the Corporation to make payment of the insured deposits[1] therein, as prescribed by law,[2] the Board of Directors appoints one or more Claim Agents with power and authority as provided by law[3] who maintain a temporary office at the site of the closed bank for the purpose of

[1] Defined in section 3 (m) of the Federal Deposit Insurance Act.

[2] See section 11 of the Federal Deposit Insurance Act, particularly subsections (b), (f) and (g).

[3] See section 10 (b) of the Federal Deposit Insurance Act.

receiving claims for insured deposits and making payment thereof as soon as possible in accordance with applicable law. Claimants for insured deposits are required to submit to such Claim Agents appropriate proofs of claim, in form and manner prescribed by law or by the Board of Directors, to deliver up any pass book or other record issued by the bank evidencing the insured deposit, to assign their claims for insured deposits to the Corporation to the extent required by law, and to furnish proper identification. The claimant is required to make proof thereof to the satisfaction of the Claim Agent. Disputed claims which cannot be adjusted in the field are referred to the Chief of the Division of Liquidation for determination and when satisfactory disposition cannot be so made, may be referred to the Board of Directors for appropriate action. In cases where the Corporation is not satisfied as to the validity of a claim for an insured deposit, it may require the final determination of a court of competent jurisdiction before paying such claim. The Corporation is authorized to make payment of the insured deposits in cash or by making available to each depositor a transferred deposit in a new bank in the same community or in another insured bank in an amount equal to the insured deposit of such depositor. Any such transferred deposit would be a demand deposit in the absence of an agreement between the depositor and transferee bank providing for a time or savings deposit. The Corporation's practice has been to make such payment by issuing its check for the amount of the insured deposit. In making such payments, the Corporation exercises its statutory authority to withhold payment of such portion of the insured deposit of any depositor as may be required to provide for the payment of any liability of such depositor as a stockholder of the bank, or of any liability of such depositor to the closed bank or its receiver, which is not offset against a claim due from the bank, pending the determination and payment of such liability by the depositor or any other person liable therefor.

(Sec. 9, Pub. Law 797, 81st Cong. Interprets or applies secs. 10, 11, Pub. Law 797, 81st Cong.)

15. The "Authority" provision of Part 306 is changed to read as follows: "Authority: §§ 306.1 to 306.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 11, 12, 13, Pub. Law 797, 81st Cong."

16. Sections 306.1 and 306.2 are amended to read as follows:

§ 306.1 *Liquidation of assets acquired through loans and purchases.* Assets acquired by the Corporation pursuant to contracts of loan or purchase from insured banks or receivers of closed insured banks, in accordance with the provisions of the Federal Deposit Insurance Act, are liquidated by the Corporation through a liquidator appointed in the same manner as in the case of a national bank receivership (see § 306.2). The liquidator takes possession of the assets and usually maintains a liquidating office in the vicinity of the bank from which the assets were acquired. The liquidator receives collections of debts and claims due, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations due and owing and arising out of the liquidation. Proposals for the sale of assets, compositions and compromises, and extensions or renewals of debts due or other contracts, are transmitted by the liquidator to the Chief of the Division of Liquidation and are in turn submitted to the Committee on Liquidations, Loans, and Purchase of Assets and to the Board of Directors of the Corporation for approval. Expenses of administration, attorneys' fees, proposals for leasing, engaging brokers or others, independent contractors, and advances to protect assets are likewise submitted by the liquidator for transmission with the recommendation of the Division of Liquidation to the Committee on Liquidations, Loans, and Purchase of Assets and to the Board of Directors of the Corporation for approval. In general, the liquidator is the local representative of the Corporation and proceeds in compliance with the manual of instructions of the Division of Liquidation to liquidate the assets so acquired.

§ 306.2 *National bank receiverships.* Whenever the Comptroller of the Currency appoints a receiver (other than conservator) of a national or District bank, it must be the Corporation. Immediately upon appointment the Corporation takes possession of the records, assets, and affairs of the bank through one of its agents, usually a liquidator, appointed to represent the Corporation in that receivership. If possession is taken by an agent other than a liquidator, the liquidator, when appointed, is substituted for the agent. The Board of Directors of the Corporation appoints the agent to take possession, the liquidator, such assistant liquidators, and personnel, as may be necessary, as well as an attorney to furnish the Corporation as receiver with such legal assistance as may be required in the administration of the receivership. The liquidator as local representative of the Corporation proceeds, in compliance with the manual of instructions of the Division of Liquidation, and in conformity with the applicable provisions of the National Bank Act and the Federal Deposit Insurance Act, to liquidate the assets, receive claims of depositors (claiming in excess of $10,000 per depositor)[1] and other creditors, pay the expenses of administration, distribute the proceeds of such liquidation, and otherwise wind up the affairs of the bank subject to the control of the Board of Directors of the Corporation and under the supervision of the Chief of the Division of Liquidation. After notice by advertisement pursuant to law, depositors having claims in excess of $10,000 per depositor, and other creditors, are permitted to file claims with the liquidator, who transmits such claims to the Division of Liquidation for allowance, classification, and deductions by way of set-offs of counterclaims. Such claims are filed on blanks prescribed from time to time by the Corporation and when allowed are evidenced by receiver's certificates issued by the Division of Liquidation on such forms as are from time to time prescribed by the Corporation. The liquidator receives collections of debts and claims due to the receivership, effects sales of assets, compositions and compromises of debts, and otherwise enforces claims and obligations, owing to the receivership. All proceeds of the liquidation are segregated and are kept separate and apart from the general and other funds of the Corporation. Proposals for the sale of assets, compositions, and compromises are transmitted by the liquidator to the Division of Liquidation, which in turn submits them to the Committee on Liquidations, Loans, and Purchase of Assets and to the Board of Directors of the Corporation for approval; and upon such approval the liquidator, through local counsel, presents the proposals to a court of competent jurisdiction for authorization as provided by 12 U. S. C. 192. Expenses of administration are similarly submitted by the Division of Liquidation for approval by the Board of Directors. Attorney fees are submitted by the Legal Division for determination by the Board of Directors. Proposals for leasing, engaging brokers or others, independent contractors, extensions or renewals of debts due the receivership, or other contracts, and advances to protect assets, are submitted by the liquidator for transmission and recommendation by the Division of Liquidation to the Committee on Liquidations, Loans, and Purchase of Assets and to the Board of Directors for authorization. When sufficient funds have been realized from the liquidation to justify payment of a dividend to creditors, the Division of Liquidation submits a recommendation to the Board of Directors, which orders a ratable dividend to be paid. Dividend checks are drawn by the Division of Liquidation on receivership funds and transmitted to the liquidator for delivery to the claimants who are required to present their receiver's certificates for endorsement thereon and to execute receipts for such dividends. If such claims are paid in full with interest, receivership certificates must be surrendered. If surplus assets remain after payment of dividends to creditors equal to the principal of their respective claims plus interest thereon, a meeting of the shareholders is called pursuant to the provisions of 12 U. S. C. 196, for the purpose of determining whether a shareholders' agent shall be elected or the receivership continued. If the shareholders elect to have a shareholders' agent appointed, then the assets are assigned and delivered to the shareholders' agent upon compliance with the requirements of 12 U. S. C. 196.

17. The "Authority" provision of Part 307 is changed to read as follows: "Authority: §§ 307.1 to 307.3 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 7, 8, Pub. Law 797, 81st Cong."

[1] Claims for insured deposits up to $10,000 for each depositor are filed with a Claim Agent, appointed by the Board of Directors of the Corporation, who represents the Corporation in its capacity as insurer of deposit (see Part 305 of this chapter).

18. Paragraph (a) of § 307.1 is amended (1) by deleting the words "paragraph (1) of subsection (i) of section 12B of the Federal Reserve Act, as amended (48 Stat. 171, as amended; 12 U. S. C. 264 (i) (1)[2]" and substituting therefor the words "subsection (a) of section 8 of the Federal Deposit Insurance Act.[2]"; (2) by deleting from footnote 2 thereof the words "Section 12B (i) (1) of the Federal Reserve Act, as amended (12 U. S. C. 264 (i) (1))" and substituting therefor the words "Section 8 (a) of the Federal Deposit Insurance Act"; (3) by deleting from the resolution form therein the words "section 12B of the Federal Reserve Act, as amended" and "paragraph (1) of subsection (i) of said section 12B" and substituting therefor, respectively, the words "the Federal Deposit Insurance Act" and "Section 8 (a) of that act"; and (4) by deleting from the notice form therein the words "section 12B of the Federal Reserve Act, as amended" and substituting therefor the words "the Federal Deposit Insurance Act".

19. Subparagraph (3) of § 307.1 (b) is amended by deleting the words "Federal Reserve Act, as amended:[1]" and substituting therefor the words "Federal Deposit Insurance Act:[1]"

20. Footnote 8 to § 307.2 is amended to read as follows:

[8] Section 8 (b) of the Federal Deposit Insurance Act provides in part as follows: "Except as provided in subsection (b) of section 4, whenever a member bank shall cease to be a member of the Federal Reserve System, its status as an insured bank shall, without notice or other action by the board of directors, terminate on the date the bank shall cease to be a member of the Federal Reserve System, with like effect as if its insured status had been terminated on said date by the board of directors after proceedings under subsection (a) of this section." Regulations of the Board of Governors of the Federal Reserve System provide (12 CFR 208.10 footnote 13): "A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve bank stock held by it is duly cancelled." Section 4 (b) of the Federal Deposit Insurance Act provides in part that: "A State bank, resulting from the conversion of an insured national bank, shall continue as an insured bank. A State bank, resulting from the merger or consolidation of insured banks, or from the merger or consolidation of a noninsured bank or institution with an insured State bank, shall continue as an insured bank."

21. Footnote 9 of § 307.3 is amended to read as follows:

[9] Section 8 (d) of the Federal Deposit Insurance Act provides as follows: "Whenever the liabilities of an insured bank for deposits shall have been assumed by another insured bank or banks, the insured status of the bank whose liabilities are so assumed shall terminate on the date of receipt by the Corporation of satisfactory evidence of such assumption with like effect as if its insured status had been terminated on said date by the Board of Directors after proceedings under subsection (a) of this section: *Provided*, That if the bank whose liabilities are so assumed gives to its depositors notice of such assumption within thirty days after such assumption takes effect, by publication or by any reasonable means, in accordance with regulations to be prescribed by the Board of Directors, the insurance of its deposits shall terminate at the end of six months from the date such assumption takes effect. Such bank shall be subject to the duties and obligations of an insured bank for the period its deposits are insured: *Provided*, That if the deposits are assumed by a newly insured bank, the bank whose deposits are assumed shall not be required to pay any assessment upon the deposits which have been so assumed after the semiannual period in which the assumption takes effect."

22. Paragraph (a) of § 307.3 is amended by deleting from the notice form therein the words "section 12B (i) (4) of the Federal Reserve Act, as amended" and substituting therefor the words "section 8 (d) of the Federal Deposit Insurance Act."

23. Paragraph (b) of § 307.3 is amended (1) by deleting the words "Federal Reserve Act, as amended" and substituting therefor the words "Federal Deposit Insurance Act:"; (2) by deleting the words "which statement shall be executed to reflect its average daily deposit liabilities for the semiannual period in which its deposit liabilities are assumed" and substituting therefor the words "as provided for in § 304.3 (t) and (u)," and (3) by adding at the end thereof the following sentence: "If the deposits of the liquidating bank are assumed by a newly insured bank, the liquidating bank is not required to file certified statements or pay any assessment upon the deposits so assumed, after the semiannual period in which the assumption takes effect."

24. The "Authority" provision of Part 308 is changed to read as follows: "Authority: §§ 308.1 to 308.19 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 8 and 10, Pub. Law, 81st Cong."

25. Section 308.1 is amended by deleting the words "subsection (i) of section 12B of the Federal Reserve Act, as amended" and substituting therefor the words "section 8 (a) of the Federal Deposit Insurance Act."

26. Paragraph (a) of § 308.4 is amended to read as follows:

(a) *Authority of trial examiner.* The trial examiner at the hearing shall have authority to administer oaths and affirmations, take or cause depositions to be taken, examine witnesses and receive evidence and rule upon the admissibility of evidence and other matters that normally and properly arise in the course of the hearing; to subpena any officer or employee of the insured bank, to compel his attendance, and to require the production of any books, records or other papers of the insured bank which are relevant or material to the inquiry, but he shall have no power to decide any motion to dismiss the proceedings or other motion which results in a final determination of the merits of the proceedings. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or supervisory functions. The trial examiner may hold conferences before or during the hearing for the settlement or simplification of issues by consent of the bank and counsel for the Corporation.

27. Section 308.9 is amended to read as follows:

§ 308.9 *Certification of record to board of directors.* Within 15 days after expiration of the time required for filing exceptions to his recommended decision, the trial examiner shall file with the Secretary of the Corporation and certify to the board of directors for initial decision the entire record, including the transcript of testimony, exhibits (including on request of the party concerned any exhibits excluded from evidence) recommended findings and conclusions, exceptions and rulings thereon, any briefs or memoranda filed by any party or counsel for the Corporation in connection therewith and his recommended decision. A copy of his ruling on the exceptions shall be served on the bank and on the counsel for the Corporation.

28. Section 308.10 is amended by deleting the words "paragraph (1), subsection (i), section 12B of the Federal Reserve Act, as amended" and substituting therefor the words "subsection (a) of section 8 of the Federal Deposit Insurance Act,".

29. Section 308.11 is amended to read as follows:

§ 308.11 *Oral argument before board of directors.* Upon written request of the bank or counsel for the Corporation, made within 10 days after the certification of the record to the board of directors, the board may order the matter to be set down for oral argument before it at the time and place specified in such order.

30. Section 308.19 is added to read as follows:

§ 308.19 *Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.* Whenever the Board of Directors shall have evidence indicating that an insured banking institution is not engaged in the business of receiving deposits, other than trust funds, it will give notice in writing to the banking institution of such fact, and will direct the banking institution to show cause why the insured status of the banking institution should not be terminated under the provisions of section 8 (c) of the Federal Deposit Insurance Act. The bank shall have thirty days, or such greater period of time as the Board of Directors shall prescribe, after receipt of such notice to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds. The Board of Directors, may in its discretion, upon written request of the bank, authorize a hearing before it or any person designated by it. If upon consideration of the evidence, the Board of Directors determines that the bank is not engaged in the business of receiving deposits, other than trust funds, the Corporation shall notify the banking institution that its insured status will terminate at the expiration of the first full semiannual assessment period following such notice. Within

thirty days prior to the date of the termination of the insured status of a banking institution under section 8 (c) of the Federal Deposit Insurance Act, the banking institution shall publish a notice of such termination in not less than two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of publication. The notice shall be as follows:

(Date)

Notice:

Please be advised that the status of the

(Name of Banking institution)

(City or town) (State)

as an insured bank under the Federal Deposit Insurance Act, will terminate on the ---- day of ---------- 19----, and its deposits shall thereupon cease to be insured.

(Name of banking institution)

(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

31. The "Authority" provision of Part 309 is changed to read as follows: "Authority: §§ 309.1 and 309.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 10, Pub. Law 797, 81st Cong."

32. Paragraph (b) of § 309.1 is amended by deleting the words "under 12 U. S. C. 264 (n) (4)" and substituting therefor the words "under section 13 (c) and (e) of the Federal Deposit Insurance Act".

33. Section 325.0 is amended (1) by deleting the words "section 128 of the Federal Reserve Act, as amended (sec. 12B, 48 Stat. 168, as amended; 12 U. S. C. and Sup., 264)" and substituting therefor the words "the Federal Deposit Insurance Act" and (2) by deleting the matter in parenthesis at the end thereof and substituting therefor the following: "(Sec. 9, Pub. Law 797, 81st Cong)."

34. Section 326.1 is amended (1) by deleting the words "subsection (c) paragraph (12) of section 12B of the Federal Reserve Act, as amended (48 Stat. 168, as amended; 12 U. S. C. 264 (c) (12)" and substituting therefor the words "subsection (1) of section 3 of the Federal Deposit Insurance Act" and (2) by removing paragraph (d) thereof and redesignating it as § 326.2 with the words therein "of this section" deleted and the words "of § 326.1" substituted therefor, (3) by adding a new paragraph (d) to read as follows:

(d) *Special purpose funds.* Money received or held by the bank, or the credit given therefor to an account including a special or memorandum account, which money or credit is held for a special or specific purpose, regardless of whether the relationship thereby created is that of debtor-creditor, fiduciary, or any other relationship.

and (4) by deleting the matter in parenthesis at the end thereof and adding the following: "Authority" provision to Part 326: "Authority: §§ 326.1 to 326.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 3, Pub. Law 797, 81st Cong."

35. The "Authority" provision of Part 327 is changed to read as follows: "Authority: §§ 327.1 to 327.5 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply secs. 7, 8, Pub. Law 797, 81st Cong."

36. Sections 327.1 and 327.2 are amended to read as follows:

§ 327.1 *Cash items*—(a) *Definition.* The term "cash item," as used in section 7 of the Federal Deposit Insurance Act and in this part, means any instrument providing for the payment of money which the reporting bank has received in the regular course of business pursuant to an agreement under which the bank has given credit to a deposit account, and checks and bank drafts received and paid by it in the regular course of business: *Provided,* That the instrument, check or draft is in the process of collection and is payable on presentation: *And, provided further,* That the payor or drawee of the instrument, check or draft, is a bank or person other than the reporting bank. The term "reporting bank" as used in this part means the bank filing the certified statement for assessment purposes.

(b) *Cash items eligible for deduction.* In computing the assessment base, only cash items, as defined in this section, may be deducted. Such cash items may be deducted without regard to whether withdrawal has been made against the credit given to deposit accounts therefor. No cash item shall be deducted except in accordance with the provisions of this part and unless such records are maintained as will readily permit verification of the correctness thereof.

§ 327.2 *Period of deduction for uncollected cash items*—(a) *Choice of method.* An insured bank may, at its option, use either of the two following methods in computing its deductible cash items, namely: (1) by multiplying by 2 the total of the cash items forwarded for collection on the assessment base days which were received on said days and the cash items held for clearings at the close of business on said days which were received on said days, or (2) by deducting the total of cash items forwarded for collection on the assessment base days and cash items held for clearings at the close of business on said days plus uncollected cash items paid or credited on preceding days: *Provided,* The method selected must be followed for the entire assessment period. If the second alternative method is used, the maximum periods of deduction shall be as prescribed in the following paragraphs (b) and (c), and no cash item may be considered as uncollected for any period in excess of said maximum. No cash item shall be deducted after the bank has had advice that the item has been paid or dishonored.

(b) *Cash items paid or credited to deposit accounts in bank or branch located in any Federal Reserve district.* In the case of any insured bank or branch located in any Federal Reserve district, cash items forwarded for collection and cash items held for clearings at the close of business on the base day shall be eligible for deduction for that day. Any cash item forwarded for collection on preceding days which remains uncollected as of the close of business on the assessment base day shall be eligible for deduction for the base day: *Provided,* That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time necessary to send the item in due course to the Federal Reserve bank of the Federal Reserve district or the branch of the subdistrict thereof in which the reporting bank is located, plus the time allowed for collection from the place where the item is payable, as shown on the current Time Schedule of such Federal Reserve bank or branch thereof.

(c) *Cash items paid or credited to deposit accounts in bank or branch located outside of any Federal Reserve district.* In the case of any insured bank or branch located outside any Federal Reserve district, cash items forwarded for collection and cash items held for clearings at the close of business on the base day shall be eligible for deduction for that day. Any cash item forwarded for collection on preceding days which remains uncollected at the close of business on the assessment base day shall be eligible for deduction for the base day, Provided, That an item shall not be considered as uncollected at the close of business on the base day if such item has been outstanding for a period in excess of the time from the date the cash item is paid or credited to a deposit account and the date of receipt (in the usual course of business) by the correspondent bank to which the item is forwarded for collection plus (1) the collection time allowed by the Federal Reserve time schedule for the district in which the correspondent bank is located or (2) the actual collection time, where the collection time is not included in the Federal Reserve time schedule.

(d) *Construction of section.* This section is not to be construed as requiring any bank to clear items through any Federal Reserve bank or branch thereof.

37. Paragraph (c) of § 327.3 is amended by deleting the words "paragraphs (1) or (2) of subsection (i) of section 12B of the Federal Reserve Act, as amended (48 Stat. 171, as amended; 12 U. S. C. 264 (i) (1) and (2))" and substituting therefor the words "subsections (a) or (b) of section 8 of the Federal Deposit Insurance Act.".

38. Section 327.5 is added to read as follows:

§ 327.5 *Semiannual assessment.* Each insured bank shall pay to the Corporation the amount of the semiannual assessment due to the Corporation, as shown on its certified statement, at the time such statement is required to be filed under Section 7 (b) of the Federal Deposit Insurance Act.

39. The "Authority" provision of Part 328 is changed to read as follows: "Authority: §§ 328.0 to 328.4 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 18, Pub. Law 797, 81st Cong."

40. §§ 328.0 to 328.3, inclusive, are amended to read as follows:

§ 328.0 *Scope.* The regulation contained in this part prescribes the requirements with regard to the official sign insured banks must display and the requirements with regard to the official advertising statement insured banks must include in their advertisements. It also prescribes an approved emblem and an approved short title which insured banks may use at their option. It imposes no limitations on other proper advertising of insurance of deposits by insured banks and does not apply to advertisements published in foreign countries by insured banks which maintain offices in such foreign countries in which offices the deposits are not insured.

§ 328.1 *Mandatory requirements with regard to the official sign and its display*—(a) *Insured banks to display official sign.* Each insured bank shall continuously display an official sign as hereinafter prescribed at each station or window where insured deposits are usually and normally received in its principal place of business and in all its branches: *Provided*, That no bank becoming an insured bank shall be required to display such official sign until twenty-one (21) days after its first day of operation as an insured bank. The official sign may be displayed by any insured bank prior to the date display is required.

(b) *Official sign.* The official sign referred to in paragraph (a) of this section shall be seven inches by three inches in size, and shall be of the following design:

Any insured bank may procure official signs from the Corporation or may use any other sign of the same size, wording and appearance which shall have been approved in writing by the Corporation as conforming to the requirements of this section. Such approval will be given only in individual cases where the official sign does not harmonize with the bank's counters or fixtures or where it cannot be adequately displayed because of the type of construction of the bank's counters or fixtures. For the procedure to be followed in applying for such approval see § 303.8 of this chapter.

The Corporation shall furnish to banks an order blank for use in procuring the official signs. Any bank which promptly, after receipt of the order blank, fills it in, executes it, and properly directs and forwards it to the Federal Deposit Insurance Corporation, Washington 25, D. C., shall not be deemed to have violated this regulation on account of not displaying an official sign, or signs, unless the bank shall omit to display such official sign or signs after same have been tendered to the bank through the instrumentality of the United States mail or otherwise.

(c) *Receipt of deposits at same teller's station or window as noninsured bank.* An insured bank is forbidden to receive deposits at any teller's station or window where any noninsured bank receives deposits.

(d) *Required changes in official sign.* The Corporation may require any insured bank, upon at least thirty days written notice, to change the wording of its official signs in a manner deemed necessary for the protection of depositors or others.

§ 328.2 *Mandatory requirements with regard to the official advertising statement and manner of use.*—(a) *Insured banks to include official advertising statement in all advertisements except as provided in paragraph (c) of this section.* Each insured bank shall include the official advertising statement, prescribed in paragraph (b) of this section, in all of its advertisements except as provided in paragraph (c) of this section.

An insured bank is not required to include the official advertising statement in its advertisements until thirty (30) days after its first day of operation as an insured bank.

In cases where the board of directors of the Federal Deposit Insurance Corporation shall find the application to be meritorious, that there has been no neglect or wilful violation in the observance of this section and that undue hardship will result by reason of its requirements, the board of directors may grant a temporary exemption from its provisions to a particular bank upon its written application setting forth the facts. For the procedure to be followed in making such application see § 303.8 of this chapter.

In cases where advertising copy not including the official advertising statement is on hand on the date the requirements of this section become operative, the insured bank may cause the official advertising statement to be included by use of a rubber stamp or otherwise.

(b) *Official advertising statement.* The official advertising statement shall be in substance as follows: "Member of the Federal Deposit Insurance Corporation." The word "the" or the words "of the" may be omitted. The words "This bank is a" or the words "This institution is a" or the name of the insured bank followed by the words "is a" may be added before the word "member".

(c) *Types of advertisements which do not require the official advertising statement.* The following is an enumeration of the types of advertisements which need not include the official advertising statement:

(1) Statements of condition and reports of condition of an insured bank which are required to be published by State or Federal law;

(2) Bank supplies such as stationery (except when used for circular letters), envelopes, deposit slips, checks, drafts, signature cards, deposit pass books, certificates of deposit, etc.;

(3) Signs or plates in the banking offices or attached to the building or buildings in which the banking offices are located;

(4) Listings in directories;

(5) Advertisements not setting forth the name of the insured bank;

(6) Display advertisements in bank directory, provided the name of the bank is listed on any page in the directory with a symbol or other descriptive matter indicating it is a member of the Federal Deposit Insurance Corporation;

(7) Joint or group advertisements of banking service where the names of insured and noninsured banks are listed and form a part of such advertisements;

(8) Advertisements by radio which do not exceed thirty (30) seconds in time;

(9) Advertisements by television, other than display advertisements, which do not exceed thirty (30) seconds in time;

(10) Advertisements which are of the type or character making it impractical to include therein the official advertising statement, provided such exclusion may only be made upon the prior written consent of the Corporation.

(d) *Outstanding bill board advertisements.* Where an insured bank has bill board advertisements outstanding which are required to include the official advertising statement and has direct control of such advertisements either by possession or under the terms of a contract, it shall, as soon as it can consistent with its contractual obligations, cause the official advertising statement to be included therein.

§ 328.3 *Approved emblem and approved short title which insured banks may use at their option*—(a) *Emblem.* The only emblem approved for use by insured banks, when reference therein is made to deposit insurance or membership in the Corporation, is the one reproduced below:

(b) *Short title.* The following short title is approved for use by insured banks only on signs or plates attached to the outside of the bank building: "Member of FDIC."

(c) *Use of emblem or short title.* If an insured bank desires to use the emblem, it may do so in any of its advertisements and on any of its bank supplies. Since the approved emblem contains the official advertising statement in the outside circle, its use in advertisements requiring the official advertising statement will satisfy the mandatory requirements of § 328.2.

41. Section 328.4 is added to read as follows:

§ 328.4 *Advertisements in foreign language media.* In advertisements using a language other than the English language, the insured bank may substitute for the official advertising statement its foreign language equivalent in any of its advertisements: *Provided,* The translation has had the prior written approval of the Corporation.

42. The "Authority" provision of Part 329 is changed to read as follows: "Authority: §§ 329.0 to 329.6 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 18, Pub. Law 797, 81st Cong."

43. Footnote 7 to § 329.2 (b) (1) is amended (1) by deleting the words "Sec. 12B (c) of the Federal Reserve Act, as amended (12 U. S. C. 264 (c) (7))," and substituting therefor the words "Sec. 3 (g) of the Federal Deposit Insurance Act" and (2) by deleting the words "withdrawal is permitted by law on the effective date" and substituting therefor the words "withdrawal was permitted by law on August 23, 1935".

44. Paragraph (c) of § 329.2 is amended by deleting the words "paragraph (7), subsection (c), section 12B of the Federal Reserve Act, as amended (12 U. S. C. 264 (c) (7))," and substituting therefor the words "subsection (g) of section 3 of the Federal Deposit Insurance Act,".

45. The "Authority" provision of Part 330 is changed to read as follows: "Authority: §§ 330.1 to 330.4 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 12 (c), Pub. Law 797, 81st Cong."

46. Section 331.1 is amended to read as follows:

§ 331.1 *Claim by fiduciary bank for insured deposits of trust estates.* In the event of the closing of an insured bank for inability to meet the demands of its depositors, the claim for insured deposits made by a fiduciary bank or trust company which, in the exercise of its trust powers, had deposited trust funds therein will be determined as follows:

(a) *Allocated funds of a trust estate.* If trust funds of a particular trust estate are allocated by the fiduciary and deposited, the deposit with respect to such estate will be determined by ascertaining the amount of its funds allocated, deposited and remaining to the credit of the claimant as fiduciary in the closed insured bank.

(b) *Interest of a trust estate in unallocated trust funds.* If trust funds of a particular trust estate be mingled [1] with trust funds of other trust estates and deposited by the fiduciary bank or trust company in one or more insured banks to the credit of the depositing bank or trust company as fiduciary, without allocation of specific amounts from the particular trust estate to an account in such bank or banks, the deposit with respect to such estate in any closed insured bank will be the amount which will bear the same ratio to all unallocated funds of the estate for which the fiduciary is accountable as the entire unallocated trust funds to the credit of the fiduciary bank or trust company in the closed insured bank will bear to the entire amount of such funds so deposited by the fiduciary in all depositories.[2]

(c) *Claims for funds of corporate trusts determined on basis of allocation.* The rule stated in paragraph (b) of this section will not be applied to funds of a bank or trust company held as fiduciary under a type of trust created to facilitate the issuance, distribution, or servicing of corporate bonds, debentures, or stock issues, commonly known as corporate trusts. The claim of the fiduciary bank with respect to deposits of such funds will be determined according to allocations of the funds of particular estates to particular deposit accounts.

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of a fiduciary bank or trust company with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph of this section shall be combined with that determined under any other subsection of this section and the insured deposit shall be the total less any amount thereof in excess of $10,000. (Sec. 9, Pub. Law 797, 81st Cong. Interprets or applies secs. 3, 7, 12, Pub. Law 797, 81st Cong.).

47. The "Authority" provision of Part 332 is changed to read as follows: "Authority: §§ 332.1 and 332.2 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 6, Pub. Law 797, 81st Cong."

48. The "Authority" provision of Part 333 is changed to read as follows: "Authority: §§ 333.1 to 333.201 issued under sec. 9, Pub. Law 797, 81st Cong. Interpret or apply sec. 6, Pub. Law 797, 81st Cong."

49. Part 334 is repealed.

[F. R. Doc. 50-10114; Filed Nov. 10, 1950; 8:47 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8543, 8714, 8919]

CHARLES L. CAIN ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Charles L. Cain, Grand Prairie, Texas, Docket No. 8543, File No. BP-6136; T. B. Lanford et al., d/b as Radio Station KRMD (KRMD), Shreveport, Louisiana, Docket No. 8919, File No. BP-5983; Eldridge C. Harrell, et al., d/b as Lakewood Broadcasting Company, Dallas, Texas, Docket No. 8714, File No. BP-6309; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 3d day of November 1950;

The Commission having under consideration the above-entitled application of Charles L. Cain requesting a construction permit for a new standard broadcast station to operate on frequency 1480 kilocycles, with 500 watts power, daytime only at Grand Prairie, Texas;

It appearing, that on April 8, 1948, the Commission designated for hearing in a consolidated proceeding the applications of Evangeline Broadcasting Company, Incorporated (File No. BP-5663, Docket No. 8417) and the above-entitled application of Radio Station KRMD and that by Commission order of August 11, 1949, the above-entitled application of Lakewood Broadcasting Company was designated for hearing in the said consolidated proceeding; which is scheduled to commence at 10:00 a. m., on November 20, 1950, at Washington, D. C.; and

It further appearing, that on December 16, 1949, the petition of Evangeline Broadcasting Company for leave to amend its said application was granted, the amendment accepted and the application as amended removed from the hearing docket;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application of Charles L. Cain is designated for hearing in the above consolidated proceeding, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other applications in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of

[1] This section is not to be construed as an express or implied approval of such commingling of trust funds as may be involved in the maintaining of general trust accounts.

[2] In determining claims under this paragraph, unallocated trust funds in the fiduciary bank will be included in the totals of such funds.

other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the Commission's order of April 8, 1948, designating the said application of Evangeline Broadcasting Co., Inc., and the above-entitled application of Radio Station KRMD for hearing, is further amended to include the above-entitled application of Charles L. Cain and the pertinent issues herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-10158; Filed, Nov. 13, 1950; 8:47 a. m.]

[Docket No. 9741]

LOGAN BROADCASTING CORP. (WVOW)

ORDER CONTINUING HEARING

In re application of Logan Broadcasting Corporation (WVOW), Logan, West Virginia, Docket No. 9741, File No. BMP-5144; for modification of construction permit.

The Commission having under consideration a petition filed October 27, 1950, by Logan Broadcasting Corporation (WVOW), Logan, West Virginia, requesting a continuance of the hearing to March 1, 1950, in the proceeding upon its above-entitled application for modification of construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 3d day of November 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Thursday, March 1, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-10156; Filed, Nov. 13, 1950; 8:47 a. m.]

[Docket No. 9746]

INTERLAKE BROADCASTING CORP. (KXRN)

ORDER CONTINUING HEARING

In re application of Interlake Broadcasting Corporation (KXRN), Renton, Washington, Docket No. 9746, File No. BP-7560; for construction permit.

The Commission having under consideration a petition filed October 30, 1950, by Interlake Broadcasting Corporation (KXRN), Renton, Washington, requesting a 60 days continuance of the hearing presently scheduled for November 17, 1950, at Washington, D. C., in the proceeding upon its above-entitled application for construction permit; and

It appearing, that no opposition to the granting of the instant petition has been filed with the Commission;

It is ordered, This 3d day of November 1950, that the petition is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Wednesday, January 17, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-10157; Filed, Nov. 13, 1950; 8:47 a. m.]

[Docket 8736 et al.]

NOVEMBER SCHEDULE OF HEARING DATES FOR TV PROCEEDINGS

NOVEMBER 6, 1950.

The Federal Communications Commission will sit in hearing session in the pending television proceedings in Hearing Room 6121 at its offices in the New Post Office Building on the following dates during November 1950: November 8 (commencing at 2 p. m.); November 9 and 10 (10 a. m.); November 15, 16 and 17 (10 a. m.); November 20, 21 and 22 (10 a. m.).

As previously announced, the television hearings will resume in the United States Department of Commerce Auditorium on November 27, 1950, when the Commission will begin hearing testimony on proposals for the reservation of channels for non-commercial educational television stations.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-10159; Filed, Nov. 13, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1523]

NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF APPLICATION

NOVEMBER 8, 1950.

Take notice that Nevada Natural Gas Pipe Line Co. (Applicant), a Nevada corporation, address 202 North Second Street, Las Vegas, Nevada, filed on November 1, 1950, an application for a certificate of public convenience and necessity pursuit to section 7 of the Natural Gas Act, authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to transport gas for resale to distributing companies in the cities of Needles, California, Boulder City and Las Vegas, Nevada, and to industrial users in such cities, and for such purpose to construct and operate a natural-gas pipeline approximately 114 miles in length extending from a point on the east bank of the Colorado River, east of the Arizona-California boundary near Topock, Arizona, and running thence in a northerly direction to Las Vegas, Nevada, together with lateral lines. Applicant proposes to purchase natural gas from the El Paso Natural Gas Company and estimates the present potential requirements to be 2,237,670 Mcf of natural gas per year.

The estimated cost of the proposed facilities, including working capital, is $2,331,350, and the financing arrangements are now being negotiated.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 29th day of November 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-10152; Filed, Nov. 13, 1950; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25558]

GRAIN FROM KANSAS TO ARKANSAS AND MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3827.

Commodities involved: Grain, grain products and seeds, carloads.

From: Points in Kansas.

To: Points in Arkansas and Memphis, Tenn.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3827, Supplement 28.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-10148; Filed, Nov. 13, 1950; 8:45 a. m.]

[4th Sec. Application 25559]

CITRUS FRUIT FROM TEXAS TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3915.

Commodities involved: Grapefruit, kumquats, lemons, limes, mandarines, tangerines and oranges, carloads.

From: Points in Texas.

To: Points in official territory.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3915, Supplement 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-10149; Filed, Nov. 13, 1950; 8:45 a. m.]

[4th Sec. Application 25560]

LUMBER FROM ALABAMA TO CENTRAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Lumber and related articles, carloads.

From: Points in Alabama.

To: Ohio River crossings and points grouped therewith in Indiana, Michigan and Ohio.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 894, Supp. 192; C. A. Spaninger's tariff I. C. C. No. 696, Supp. 174.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-10150; Filed, Nov. 13, 1950; 8:45 a. m.]

[4th Sec. Application 25561]

LUMBER FROM WEST VIRGINIA TO GREENSBORO, N. C.

APPLICATION FOR RELIEF

NOVEMBER 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company and Southern Railway Company.

Commodities involved: Lumber and related articles, carloads.

From: Points in West Virginia.

To: Greensboro, N. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 728, Supplement 202.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-10151; Filed, Nov. 13, 1950; 8:45 a. m.]

[Sec. 5a Application 23]

MICHIANA MOTOR CARRIERS CONFERENCE, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

NOVEMBER 9, 1950.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed November 8, 1950 by: Michiana Motor Carriers Conference, Inc., Attorney-in-Fact, 219 South William St., South Bend 1, Ind.

Agreement involved: An agreement between and among common carriers by motor vehicle providing procedures for the joint consideration, initiation, or establishment of rates, rules, and regulations applicable to the transportation of property by motor common carriers to and from points in southern Michigan and northern Indiana.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-10191; Filed, Nov. 13, 1950; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15362]

BANCO GERMANICO DE LA AMERICA DEL SUD ET AL.

In re: Bank accounts owned by and debts owing to Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank and others. F-28-1110, F-28-1111, F-28-1112, F-28-1114, F-28-1114-D-1, F-28-1114-E-1/E-2/E-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Deutsch-Sudamerikanische Bank, also known as Deutsche-Sudamerikanische Bank, Aktiengesellschaft, the last known address of which is Ber-

lin, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank, the last known address of which is 673 Casilla de Correo, Asuncion, Paraguay, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

3. That Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Casilla 90 D, Santiago, Chile, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

4. That Banco Germanico de la America del Sud, Valparaiso, Chile, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Casilla 18 V, Valparaiso, Chile, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

5. That Banco Germanico de la America del Sud, Mexico DF, Mexico, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Apartado Postal 101 Bis, Mexico D. F., Mexico, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

6. That Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Casilla de Correo 1021, Buenos Aires, Argentine, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

7. That Banco Germanico de la America del Sur, S. A. Madrid, also known as Deutsch-Sudamerikanische Bank, the last known address of which is Apartado 380, Madrid, Spain, is a branch of Deutsch-Sudamerikanische Bank, and is, or since the effective date of Executive Order 8389, as amended, has been controlled by the aforesaid Deutsch-Sudamerikanische Bank, and is a national of a designated enemy country (Germany);

8. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Banco Germanico de la America del Sud, Asuncion, Paraguay, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an Old Checks Outstanding Account entitled Banco Germanico de la America del Sud, Asuncion, Paraguay, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

9. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Banco Germanico de la America del Sud, Santiago, Chile, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an Old Checks Outstanding Account entitled Banco Germanico de la America del Sud, Santiago, Chile, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

c. All rights, interests and claims in, to and under four (4) American Certificates of Patino Mines & Enterprises Consolidated (Incorporated), 20 Exchange Place, New York 5, New York, representing the right to receive 400 Ordinary Shares of £1 Sterling Par value Capital Stock of General Tin Investments, Ltd., said American Certificates numbered 7085/8 for 100 shares each, and registered in the name of Banco Germanico De La America Del Sud, together with any and all declared and unpaid dividends on the aforesaid stock of General Tin Investments, Ltd.,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

10. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Valparaiso, Chile, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Banco Germanico de la America del Sud, Valparaiso, Chile, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Valparaiso, Chile, also known as Deutsch-Sudamerikanische Bank, by the Bankers Trust Company, 16 Wall Street, New York 5, New York, arising out of a Foreign Drafts Outstanding Account entitled Banco Germanico de La America del Sud, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sud, Valparaiso, Chile, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

11. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Mexico DF, Mexico, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an old Checks Outstanding Account entitled Banco Germanico de la America del Sud, Mexico DF, Mexico, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Mexico DF, Mexico, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an Account Payable entitled Banco Germanico de la America del Sud, Mexico DF, Mexico, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco

Germanico de la America del Sud, Mexico DF, Mexico, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

12. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Banco Germanico de la America del Sud, Buenos Aires, Argentina, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, by the Bankers Trust Company, 16 Wall Street, New York 5, New York, arising out of a Demand Deposit Account entitled Banco Germanico de La America del Sud, maintained with the aforesaid Company, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation of the Superintendent of Banks of the State of New York as Trustee for Depositors and Creditors of The Bank of the United States, in Liquidation, 80 Spring Street, New York 12, New York, arising out of a claim filed by the International Acceptance Bank, Inc. as Collecting Agents for Banco Germanico de la America del Sud, Claim No. S-9083, together with any and all accruals to the aforesaid debt or other obligation and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

13. That the property described as follows:

a. That certain debt or other obligation owing to Banco Germanico de la America del Sur, S. A., Madrid, Spain, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of a Checking Account entitled Banco Germanico de la America del Sur, S. A., Madrid, Spain, maintained with the aforesaid Bank, and any and all rights to demand, enforce, and collect the same, and

b. That certain debt or other obligation owing to Banco Germanico de la America del Sur, S. A., Madrid, Spain, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an account entitled Banco Germanico de la America del Sur, Madrid, General Ruling #6 A/C, numbered F84093, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same, and

c. That certain debt or other obligation owing to Banco Germanico de la America del Sur, S. A., Madrid, Spain, also known as Deutsch-Sudamerikanische Bank, by The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, arising out of an Old Checks Outstanding account entitled Banco Germanico de la America del Sur, S. A., Madrid, Spain, maintained with the aforesaid Bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Banco Germanico de la America del Sur, S. A., Madrid, Spain, also known as Deutsch-Sudamerikanische Bank, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

14. That Banco Germanico de la America del Sud, Asuncion, Paraguay, also known as Deutsch-Sudamerikanische Bank; Banco Germanico de la America del Sud, Santiago, Chile, also known as Deutsch-Sudamerikanische Bank; Banco Germanico de la America del Sud, Valparaiso, Chile, also known as Deutsch-Sudamerikanische Bank; Banco Germanico de la America del Sud, Mexico DF, Mexico, also known as Deutsch-Sudamerikanische Bank; Banco Germanico de la America del Sud, Buenos Aires, Argentina, also known as Deutsch-Sudamerikanische Bank; and Banco Germanico de la America del Sur, S. A., Madrid, Spain, also known as Deutsch-Sudamerikanische Bank, are controlled by, or acting for or on behalf of a designated enemy country (Germany) or persons within such country and are nationals of a designated enemy country (Germany).

15. That to the extent that the persons named in subparagraphs 1, 2, 3, 4, 5, 6 and 7 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10161; Filed, Nov. 13, 1950; 8:48 a. m.]

[Vesting Order 15400]

ELSE BROSE

In re: Stock owned by Else Brose. F-28-26017-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Brose, whose last known address is Alte Post St. 46, Guben, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Forty-five (45) shares of $1.00 par value common capital stock of United Gas Corporation, 1525 Fairfield Ave., Shreveport, Louisiana, a corporation organized under the laws of the State of Delaware, evidenced by Certificate numbered NO-26602, registered in the name of Else Brose, together with all declared and unpaid dividends thereon, and any and all rights to receive Common Stock of $10.00 par value plus cash in lieu of resulting fraction, in accordance with reorganization plan consumated in November 1944,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10162; Filed, Nov. 13, 1950; 8:48 a. m.]

[Vesting Order 15405]

ERNA MANGOLD

In re: Stock owned by and debts owing to Erna Mangold. F-28-30921-A-1; A-2.

Under the authority of the Trading With the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Erna Mangold, whose last known address is Kassel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Three (3) shares of $1.00 par value common capital stock of Niagara Hudson Power Corporation, a corporation organized under the laws of the State of New York, evidenced by a certificate numbered 23776, registered in the name of Charles, Frederick & Co., and presently in the custody of Irving Trust Company, One Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Irving Trust Company, One Wall Street, New York, New York, arising out of the receipt of cash dividends, derived from the shares of stock described in the aforesaid subparagraph 2-a hereof, constituting a portion of the sum of money on deposit with Irving Trust Company, One Wall Street, New York, New York, in an account, entitled Handelstrust West, N. V. Clients Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same.

c. Twenty (20) shares of no par value common capital stock of American Superpower Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered CF217851 and CF218251 for five (5) shares each, and CF218250 for ten (10) shares, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

d. Two (2) shares of $10.00 par value common capital stock of Cities Service Company, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered LD-1096, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

e. Twenty (20) shares of no par value common capital stock of Commonwealth & Southern Corporation, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 252842, 85474 and X20871, for one (1), nine (9) and ten (10) shares respectively, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

f. Twenty (20) shares of $1.00 par value common capital stock of Coty Incorporated, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered WO5128, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, together with all declared and unpaid dividends thereon,

g. Twenty (20) shares of $1.00 par value common capital stock of Coty International Corporation, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered O5131, registered in the name of Hallgarten & Co., and presently in the custody of Hallgarten & Co., 44 Wall Street, New York, New York, together with all declared and unpaid dividends thereon, and

h. That certain debt or other oligation of Hallgarten & Co., 44 Wall Street, New York, New York, arising out of the receipt of cash dividends, derived from the shares of stock described in the aforesaid subparagraphs 2-c to 2-g inclusive hereof, constituting a portion of the sum of money on deposit with Hallgarten & Co., 44 Wall Street, New York, New York, in an account, entitled Handelstrust West N. V., maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Erna Mangold, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10163; Filed, Nov. 13, 1950; 8:48 a. m.]

[Vesting Order 15408]

JACOB SELIGMANN

In re: Securities and cash owned by and debt owing to the personal representatives, heirs, next of kin, legatees and distributees of Jacob Seligmann, deceased. F-28-5602-A-1; A-2; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Jacob Seligmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Five (5) shares of no par value stock of Continental Oil Company, 10 Rockefeller Plaza, New York, New York, evidenced by a certificate numbered 050828, registered in the name of and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," together with all declared and unpaid dividends thereon,

b. Thirty (30) shares of no par value common stock of Seaboard Air Line Railway Co., Norfolk, Virginia, evidenced by a certificate numbered NY05109, registered in the name of Cassel, Strupp & Co., and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," together with all declared and unpaid dividends thereon,

c. Twenty (20) shares of stock of Imperial Oil Co., evidenced by certificates numbered G16018 and G16019 for ten shares each, presently in the custody of H. Cassel & Co., 61 Broadway, New York, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," together with all declared and unpaid dividends thereon,

d. One voting trust certificate for twenty (20) shares of $1.00 par value preferred stock of Eastern Sugar Associates, Caguas, Puerto Rico, a corporation organized under the laws of Maryland, said certificate numbered PF4041, and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," and any and all rights thereunder and thereto, and any and all rights of exchange for shares of Beneficial Interest,

e. One (1) Seaboard Air Line Railway Co. 1st and Cons'd. Mtg. Gold Bond, Series A, 6%, of $1,000 face value, bearing the number M38534, and presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," and any and all rights thereunder and thereto,

f. Two (2) Warrants to purchase twenty (20) shares of no par value common stock of Seaboard Air Line Railway Co., said warrants numbered W5942 and W5943, presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York," and any and all rights thereunder and thereto,

g. Those certain Mexican Government current interest scrip receipts, of $193.50 face value, presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York", and any and all rights thereunder and thereto,

h. Those certain bonds described in Exhibit A, attached hereto and by reference made a part hereof, said bonds presently in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, in an account for "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York", and any and all rights thereunder and thereto,

i. United States Currency in the amount of $150.57, in the custody of H. Cassel & Co., 61 Broadway, New York 6, New York, for the account of "Edward Barry, Account J. Seligmann, 777 Plandome Road, Manhasset, Long Island, New York", and

j. That certain debt or other obligation of H. Cassel & Co., 61 Broadway, New York 6, New York, representing the credit balance in the account designated "Edward Barry, Account J. Seligmann", maintained with the aforesaid company, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Jacob Seligmann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Jacob Seligmann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—BONDS

Description of issue	Bond Nos.	Face value
National Railways of Mexico 4%, 1977.	C95712 C0182871 C215081 C271288 C195378 C195377 C195376 C139238 C139239 C139240	$1,000 aggregate face value.
National Railroad Co. of Mexico Prior lien 4½%, 1926.	M1732 M1733 M1734 M2281 M2327 M2536 M3236 M3237 M3238 M3968	$10,000 aggregate face value.
Vera Cruz & Pacific Railroad Co. 1st Mortgage 4½%, 1934.	10 11 314 320 322 1104 1299 1756 2547 5706 6018 6271 6914	$13,000 aggregate face value.

[F. R. Doc. 50-10164; Filed, Nov. 13, 1950; 8:48 a. m.]

[Vesting Order 15411]

FERDINAND MOLLER

In re: Oil paintings owned by Ferdinand Moller. F-28-31008-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ferdinand Moller, whose last known address is 97 Lindenthalgurtet Koln-Lindenthal, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain 19 Oil Paintings on canvas more fully described in Exhibit A attached hereto, and by reference made a part hereof, and presently in the custody of the Detroit Institute of Arts, Detroit, Michigan,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Artist	Name of painting	Year painted
Schmidt-Rottluff	Mädchen am Meer	1919
	Weisses Haus	1911
	Petriturm	1912
	Allee	1911
	Signalstation	1921
	Frau mit verbundenem Kopf.	1920
	Fischer auf Düne	1921
	Frau am Meer	1924
	Scheune	1921
	Das letzte Fuder	1922
Christian Rohlfs	Selbstbildnis	1922
W. Kandinsky	Bild mit weiser Form	1913
Otto Mueller	Paar mit grünem Fächer	1914
	Landschaft mit Badenden	1911
M. Pechstein	Mutter und Sohn	1920
	Wasserträgerin	1923
L. Feininger	Brücke in Weimar	1918
	Grüne Brücke	1916
Otto Dix	Familie des Kunstlers	1926

[F. R. Doc. 50-10165; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15442]

HENRY MEYERS

In re: Rights of Henry Meyers under insurance contract. File No. F-28-24714-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Henry Meyers, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 83151141, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Henry Meyers, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10166; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15443]

CELESTINE OEFINGER

In re: Estate of Celestine Oefinger, deceased. File No. D-28-12175: E. T. sec. 16400.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mina Oefinger, Anna Oefinger, Fritz Oefinger, Erna Oefinger, and Wilhelm Paustiltel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof and each of them, in and to the Estate of Celestine Oefinger, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Karl Dobler, as executor, acting under the judicial supervision of the County Court of the State of Oregon for the County of Washington.

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10167; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15444]

CHRISTIAN PALM

In re: Estate of Christian Palm, also known as Christ Palm and as Christopher Palm. File No. D-28-7909; E. T. sec. No. 8651.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Palm, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the heirs-at-law, names unknown of Christian Palm, also known as Christ Palm and as Christopher Palm, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to the Estate of Christian Palm, also known as Christ Palm, and as Christopher Palm is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the City Treasurer, City of New York, New York, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

and it is hereby determined:

5. That to the extent that the person identified in subparagraph 1 hereof and the heirs-at-law, names unknown, of Christian Palm, also known as Christ Palm and as Christopher Palm are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10168; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15445]

FREDA RECHTEN

In re: Rights of Freda Rechten under insurance contract. File No. F-28-13267-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Freda Rechten, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 80905414, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Freda Rechten, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10169; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15446]

RICHARD SOELL

In re: Rights of Richard Soell under insurance contract. File No. F-28-28930-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Richard Soell, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contract of insurance evidenced by policy No. 72,597,097, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Richard Soell, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10170; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15447]

MARIA STREICHER

In re: Rights of Maria Streicher under insurance contract. File No. F-28-636-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Streicher, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8039020, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Michl Streicher, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10171; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15449]

ADOLPH TRUEBGER

In re: Rights of Adolph Truebger under insurance contracts. Files No. F-28-24683-H-1, 2, 3, 4.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolph Truebger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 72626659, 72626660, 72626661 and 72626662, issued by the Metropolitan Life Insurance Company, New York, New York, to Adolph Truebger, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10172; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15456]

JULIUS HENNINGS

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Julius Hennings, deceased. D-28-12900-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Julius Hennings, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: One and two-tenths (1.2) shares of $10.00 par value common capital stock of the Cities Service Company, 60 Wall Street, New York 5, New York, a corpora-

tion organized under the laws of the State of Delaware, evidenced by certificates numbered VL373294, CL20531 and XL151952 for 10, 1 and 1 shares, respectively, of no par value stock of the aforesaid company, registered in the name of Julius Hennings, together with all declared and unpaid dividends thereon, and all rights to receive new certificates for $10 par value stock of the aforesaid company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, the personal representatives, heirs, next of kin, legatees and distributees of Julius Hennings, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Julius Hennings, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10173; Filed, Nov. 13, 1950; 8:49 a. m.]

[Vesting Order 15457]

JOHN HOMFELDT.

In re: Stock owned by John Homfeldt. F-28-25836-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Homfeldt, whose last known address is Kroushageuer W. E. G. 33, Kiel, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: One and one-half (1½) shares of $100.00 par value full-Paid-Non-Assessable Preferred capital stock of The Jamaica National Bank, Jamaica, New York, evidenced by a certificate numbered P 1385, registered in the name of John Homfeldt, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10174; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 15458]

FRANK S. KODERA

In re: Stock owned by Frank S. Kodera. F-39-4692-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frank S. Kodera, whose last known address is Unemura Akoogun Hiyogoken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Five (5) shares of $100.00 par value convertible participating preferred capital stock of The Oliver Corporation, 400 West Madison Street, Chicago 6, Illinois, a corporation organized under the laws of the State of Delaware, evidenced by certificate numbered 2202, registered in the name of Mr. Frank S. Kodera, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-10175; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 15524]

ALFRED AND CLARA EGGELING

In re: Mortgage bonds, mortgage participation certificates, voting trust certificates and certificates of beneficial interest owned by Alfred Eggeling and Clara Eggeling. F-28-2222-A-1; D-1/2/3 D-28-10509-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Alfred Eggeling and Clara Eggeling, each of whose last known address is Lehre-in-Braunschweig, Germany are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation matured or unmatured evidenced by One (1) Prudence-Bonds Corporation First Mortgage Collateral Bond 7th Series, numbered 7 M-4799, of $1,000.00 face value, registered in the name of Alfred Eggeling, Lehre, Braunschweig, Germany, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond, including particularly any redemption payments due or to become due thereon,

b. That certain debt or other obligation, matured or unmatured evidenced by One (1) Lexington Ave. & 42nd St. Corporation Chanin Building Third Mortgage Leasehold Cumulative 1 Percent Income Bond, numbered CCL 7779, of $250.00 face value, registered in the name of Alfred Eggeling, Lehre, Braunschweig, Germany, together with any and all accruals to the aforesaid debt

or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bond,

c. That certain debt or other obligation matured or unmatured evidenced by One (1) Certificate of Beneficial Interest, numbered 419, dated January 23, 1936, for 613 units in the Flamingo Hotel Liquidation Trust No. 2150, registered in the name of Alfred Eggeling, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Certificate of Beneficial Interest, including particularly any distribution payments due or to become due thereon, and

d. That certain debt or other obligation matured or unmatured evidenced by One (1) Mortgage Participation Certificate numbered 484, of $500.00 face value, issued against a mortgage covering the President Hotel, Atlantic City, New Jersey, and a Voting Trust Certificate, numbered 403 for 50,000/1,334,-739.17 of one share of the capital stock of the President Realty Company, Inc., registered in the name of Alfred Eggeling, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Mortgage Participation Certificate and Voting Trust Certificate, including particularly but not limited to any liquidating payments of principal and interest due or to become due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Alfred Eggeling, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows:

a. That certain debt or other obligation, matured or unmatured, evidenced by Two (2) Houston Properties First and Second Mortgage Fee and Leasehold Income Bonds, dated September 1, 1933, numbered 7813 and 573, having a face value of $1,000.00 and $50.00 respectively, registered in the name of Clara Eggeling, Lehreby, Braunschweig, Germany, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds, including particularly any redemption payments due or to become due thereon,

b. That certain debt or other obligation, matured or unmatured, evidenced by One (1) Fractional Interest Certificate of Rice Properties Incorporated, bearing number 818 of $15.00 face value, registered in the name of Clara Eggeling, Lehreby, Braunschweig, Germany, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Fractional Interest Certificate, and

c. That certain debt or other obligation matured or unmatured evidenced by One (1) Mortgage Participation Certificate numbered 792, of $1,000.00 face value, issued against a mortgage covering the President Hotel, Atlantic City, New Jersey, and a Voting Trust Certificate, numbered 404 for 100,000/1,334,-739.17 of one share of the capital stock of the President Realty Company, Inc., registered in the name of Clara Eggeling, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Mortgage Participation Certificate and Voting Trust Certificate, including particularly but not limited to any liquidating payments of principal and interest due or to become due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Clara Eggeling, the aforesaid national of a designated enemy country (Germany);

4. That the property described as follows: That certain debt or other obligation matured or unmatured evidenced by One (1) Certificate of Beneficial Interest, numbered 685, dated November 12, 1935, for 566 units in the Park Shore Properties Liquidation Trust No. 2050, registered in the names of Clara Eggeling and Alfred Eggeling as Joint Tenants, together with any and all accruals to the aforesaid debt or other obligation, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid Certificate of Beneficial Interest, including particularly any distribution payments due or to become due thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Alfred Eggeling and Clara Eggeling, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10176; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 15525]

SOPHIE KESSLER

In re: Real property owned by Sophie Kessler. F-28-24987-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Sophie Kessler, whose last known address is Polizeigasse 9, Nördlingen, Bavaria, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Lots numbered 134, 135, 136, 137 and 138, situated in Inspiration Heights, Monta Vista, County of Santa Clara, State of California, which said lots are so laid out and delineated upon that certain Map entitled Map of Inspiration Heights, Monta Vista (Nos. 1 to 222 inclusive) which said map was duly recorded in the office of the County Recorder of Santa Clara County, California, on April 11th, 1917, in Book P of Maps, at page 13, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10177; Filed, Nov. 13, 1950; 8:50 a. m.]

STANDARD OIL DEVELOPMENT CO.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Standard Oil Development Co., 15 West 51st Street, New York 19, N. Y.; Claim No. A-423; property described in Vesting Order No. 16 (7 F. R. 4400, June 11, 1942) relating to United States Letters Patent No. 2,218,610.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10184; Filed, Nov. 13, 1950; 8:50 a. m.]

INTERNATIONAL FORBUND TIL BESKYTTELSE AF KOMPONISTRETTIGHEDER I. DANMARK (KODA)

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I. Danmark (KODA), Kronprinsessegade 26, Copenhagen, Denmark, Claim No. 39985; $20,626.15 in the Treasury of the United States; all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument and all causes of action accrued or to accrue relating to the nondramatic performance for profit of all musical compositions held by Internationalt Forbund Til Beskyttelse Af Komponistrettigheder I, Danmark (KODA) and/or each and every member thereof immediately prior to vesting thereof by Vesting Orders Nos. 2097 (8 F. R. 16463, December 7, 1943); and 4010 (9 F. R. 13171, November 4, 1944).

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10185; Filed, Nov. 13, 1950; 8:50 a. m.]

MIKA MARIE STRAKOSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mika Marie Strakosch, Gotha-Siebleben, Thuringen, Germany; Claim No. 42767; $2,427.70 in the Treasury of the United States and the interest of Mika Strakosch in the trust estate created under Article Ninth of the Will of Emil Fuchs, deceased; Guaranty Trust Company, 524 5th Avenue, New York, New York, Trustee.

Executed at Washington, D. C., on November 7, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10186; Filed, Nov. 13, 1950; 8:50 a. m.]

MARIA ORSO-MANZONETTA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria Orso-Manzonetta, Barone (Torino), Italy; $1,000 in the Treasury of the United States; Antonio Orso-Manzonetta, Pont Canavese (Torino) Italy; $1,661.67 in the Treasury of the United States; Carlo Orso-Manzonetta, Pont Canavese (Torino) Italy; $1,661.67 in the Treasury of the United States; Lucia Madlena Orso-Manzonetta, Pont Canavese (Torino) Italy; $166.66 in the Treasury of the United States to Antonio and Carlo Orso-Manzonetta in equal shares subject to a usufruct in Lucia Madlena Orso-Manzonetta for her lifetime; Claim No. 34660.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10187; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 15526]

ROSA AND ANTON LUDWIG

In re: Real property owned by Rosa Ludwig and Anton Ludwig, D-28-12903.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Rosa Ludwig and Anton Ludwig, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: Real property, situated in the Township of Washington, County of Lucas, State of Ohio, particularly described as lot 13, lot 14, lot 103, lot 104 and lot 105, in Section Block C, of Ottawa Hills Memorial Park, as shown on a plat thereof filed in the office of the Recorder of Lucas County, Ohio,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10178; Filed, Nov. 13, 1950; 8:50 a. m.]

ANKER BERNHARD MATHIAS JENSEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anker Bernhard Mathias Jensen; Claim No. 37572; Johan Alfred Heiberg Nielsen, Poul Erik Heiberg Nielsen, Lisa Belter, Birgit Heiberg Nielsen; Claim No. 37573; Henning Erik Jensen, Elli Andersen, Asger Rud Jensen; Claim No. 37574; $983.95 in the Treasury of the United States returnable as follows: 1/3 to Anker Bernhard Mathias Jensen; 1/6 to Johan Alfred Heiberg Nielsen and 1/18 to Johan Alfred Heiberg Nielsen, as guardian for Birgit Heiberg Nielsen, a minor; 1/18 to Poul Erik Heiberg Nielsen; 1/18 to Lisa Belter; 1/6 to Henning Erik Jensen; 1/6 to Elli Andersen and 1/6 to Asger Rud Jensen.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10190; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 500A-277]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of work	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
A. for. 27342	Buddha in der Kunst des Ostens. 1925 (c. 1924).	William Cohn (nationality not established).	Klinkhardt & Biermann, Leipzig, Germany (nationality, German).	Owner.
A. for. 30535	Die Kunst des Islam. Third Edition. 1925. (Being Band V of "Propyläen-Kunstgeschichte").	Heinrich Glück and Ernst Diez (nationalities not established).	Der Propyläen-Verlag, G. m. b. H., Berlin, Germany (nationality, German).	Do.
A. for. 39461	Die Kunst Indiens, Chinas und Japans. Second Edition. 1928. (Being Band IV of "Propyläen-Nunstgeschichte").	Otto Fischer (nationality not established).	Propyläen-Verlag, G. m. b. H., Berlin, Germany (Nationality, German).	Do.
Unknown	Die Literaturen Indiens von ihren Anfängen bis zur Gegenwart. (Hefts 1-10 of which constitute, respectively, Lieferungs 63, 66, 67, 84, 89, 92, 104, 107, 112, and 120 of the "Handbuch der Literatur-Wissenschaft" edited under the supervision of Dr. Oskar Walzel) 1929.	Helmuth von Glasenapp (nationality not established).	Akademische Verlagsgesellschaft Athenaion m. b. H., Wildpark-Potsdam, Germany (nationality, German).	Do.
A. for. 5516	Geschichte der Koreanischen Kunst, 1929.	P. Andreas Eckardt (nationality not established).	Karl W. Hiersemann Leipzig, Germany (nationality, German).	Do.
E. 685465	Georg Philipp Telemann Zwölf Fantasien für Geige Allein aus dem Jahre 1735. Herausgegeben von Albert Küster, 1927.	Georg Philipp Telemann (composer) and Albert Küster (editor) (nationalities not established).	Georg Kallmeyer Verlag, Wolfenbüttel - Berlin, Germany (nationality, German.)	Do.
E. 663402	Edition Steingraber N° 2487 Marteau Sonata Fantastica Op. 35 (St. V), Violine Solo, 1927.	Henri Marteau (nationality not established).	Steingräber-Verlag, Leipzig, Germany (nationality, German).	Do.
Unknown	Der Staatshaushalt, 1927.	Jurgen Kuczynski (nationality not established).	E. Laubsche Verlagsbuchhandlung G. m. b. H., Berlin W. 30, Germany (nationality German).	Do.
Do.	Klinische Fortbildung. Bd. 4, Heft 3 (1936).	Unkown (periodical publication).	Urban & Schwarzenberg, Berlin, Germany (nationality, German).	Do.

[F. R. Doc. 50-10180; Filed, Nov. 13, 1950; 8:50 a. m.]

[Vesting Order 500A-278]

COPYRIGHTS OF CERTAIN GERMAN NATIONALS

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) referred to or named in Column 5 of Exhibit A attached hereto and made a part hereof and whose last known addresses are listed in said Exhibit A as being in a foreign country (the names of which persons are listed (a) in Column 3 of said Exhibit A as the authors of the works, the titles of which are listed in Column 2, and the copyright numbers, if any, of which are listed in Column 1, respectively, of said Exhibit A, and/or (b) in Column 4 of said Exhibit A as the owners of the copyrights, the numbers, if any, of which are listed in Column 1, and covering works the titles of which are listed in Column 2, respectively, of said Exhibit A, and/or (c) in Column 5 of said Exhibit A as others owning or claiming interests in such copyrights) are residents of, or are organized under the laws of, or have their principal places of business in, such foreign country and are nationals thereof;

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 5 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations), whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such foreign countries, in, to and under the following:

a. The copyrights, if any, described in said Exhibit A,

b. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

c. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

d. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

e. All rights of renewal, reversion or revesting, if any, in the foregoing, and

f. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property of, and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, the aforesaid nationals of foreign countries.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "national" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright Nos.	Column 2 Titles of works	Column 3 Names and last known nationalities of authors	Column 4 Names and last known addresses of owners of copyrights	Column 5 Identified persons whose interests are being vested
Unknown	Künstliche Glieder, Konstruktions-Zeichnungen aus der Sammlung des Oskar - Helene - Heims. Heft 1: Untere Extremitäten. (Beilageheft zur "Zeitschrift für orthopädische Chirurgie 56, Band".) 1932.	Dr. Fr. Mommsen and Dr. Kurt Buchert (nationalities not established).	Verlag von Ferdinand Enke, Stuttgart, Germany (nationality, German).	Owner.
Do	Archiv für Kinderheilkunde, Bd. 84, 1928.	Unknown (periodical publication).	Ferdinand Enke, Stuttgart, Germany (nationality, German).	Do.
Do	Fortschritte auf dem Gebiete der Röntgenstrahlen. Band 49, Heft 2, Februar 1934.	do	Georg Thieme Verlag, Leipzig, Germany (nationality, German).	Do.
Do	Verhandlungen der Berliner medizinischen Gesellschaft, Band 66, 1936.	do	do	Do.

[F. R. Doc. 50-10181; Filed, Nov. 13, 1950; 8:50 a. m.]

CHRISTOPHER H. BUTTELMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Christopher H. Buttelmann, Wilmington, N. C., Claim No. 13059; A one-sixth (1/6) share of the all right, title, interest and claim of any kind or character whatsoever of the heirs at law, next of kin, devisees, legatees, beneficiaries and personal representatives of Meta Buttelmann, deceased, in and to the Estate of Henry Wm. Gutersloh, deceased; $1,200.84 in the Treasury of the United States.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10189; Filed, Nov. 13, 1950; 8:50 a. m.]

[Return Order 791]

MARTHA TODA NAGATA ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Martha Toda Nagata, New Haven, Conn., Amy Toda, Ogden, Utah, Claim No. 35366; Harold Shoichi Toda, Yokota Air Base, Japan, Katherine Toda, Salt Lake City, Utah, Claims Nos. 37390, 37391; September 21, 1950 (15 F. R. 6322); all right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due August 1946 of $1,000 face value, bearing number M313495B registered in the names of Martha Toda or Amy Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Connecticut, to Martha Toda and Amy Toda; all right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due September 1946, of $1,000 face value, bearing number M313762B registered

in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Connecticut, to Harold Shoichi Toda and Katherine Toda; all right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due September 1946 of $1,000 face value, bearing number M313761B, registered in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Connecticut, to Harold Shoichi Toda and Katherine Toda; all right, title and interest of the Attorney General of the United States in and to one (1) United States Savings Bond, due July 1948, of $1,000 face value, bearing number M827000C registered in the names of Harold Shoichi Toda or Katherine Toda, in the custody of Martha Toda Nagata, 19 Compton Street, New Haven 11, Connecticut, to Harold Shoichi and Katherine Toda.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10182; Filed, Nov. 13, 1950; 8:50 a. m.]

MARY ROBERTSON ALBRECHT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mary Robertson Albrecht, a/k/a May L. Albrecht, Bremen, Germany; Claim No. 6122; all right, title and interest of Mary Robertson Albrecht, a/k/a May L. Albrecht, in and to the Estate of Isabel B. Ladson, deceased.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10183; Filed, Nov. 13, 1950; 8:50 a. m.]

HENRIETTE H. HIRSCHLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Henriette H. Hirschland, New York, N. Y.; Claim No. 38232; $1,107.81 in the Treasury of the United States.

Executed at Washington, D. C., on November 8, 1950.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 50-10188; Filed, Nov. 13, 1950; 8:50 a. m.]